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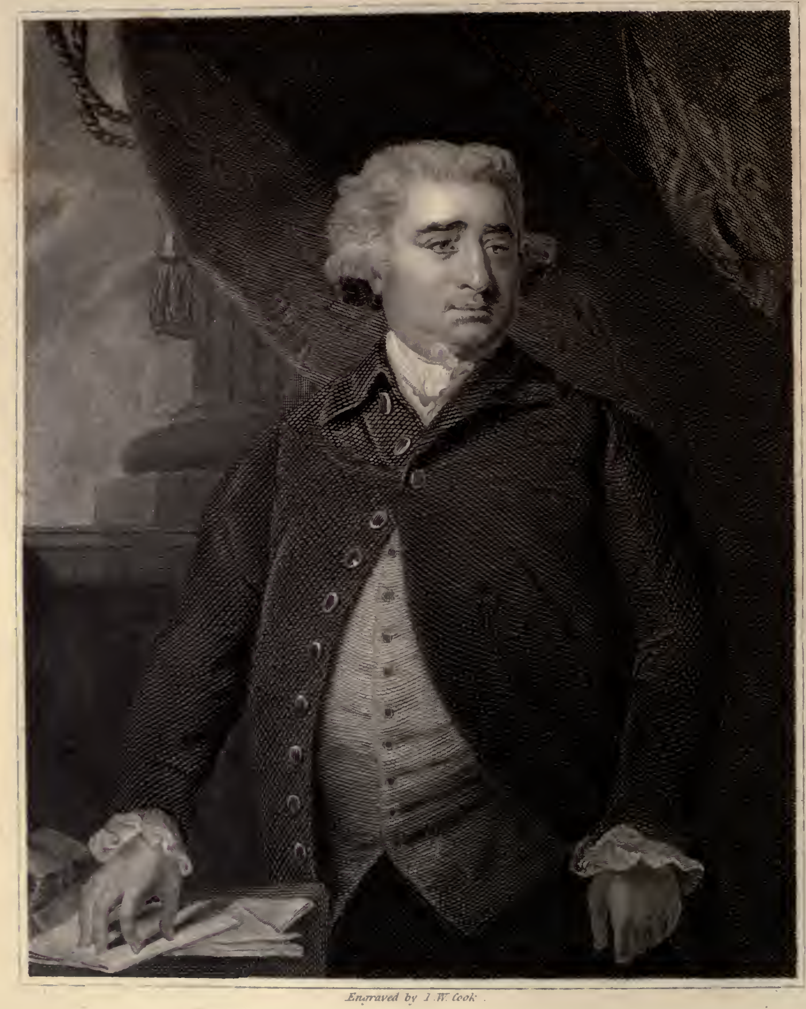
THE

MODERN ORATOR.

VOL. II.



Engraved by J. W. Cook.

CHARLES JAMES FOX.

From a Picture by Sir Joshua Reynolds.—
in the possession of Lord Holland.

The modern orator.
Vol. 2.

THE

SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX

IN THE

HOUSE OF COMMONS.

> "Scias eum sentire, quæ dicit."
> QUINCTIL. LIB. X. CAP. I.

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SPEECHES OF CHARLES JAMES FOX.

Charles James Fox, third son of the Right Honourable Henry Fox, created Baron Holland of Foxley, in 1763, and of Lady Georgiana Caroline, eldest daughter of Charles, second Duke of Richmond, was born on the 24th of January, 1749.

Having received the rudiments of his education in a private school of some celebrity at Wandsworth, Fox was sent, at the age of nine, to Eton. Here he gave early promise of future eminence. His father, through mistaken indulgence, took him to Spa during the summer of 1763, where he was initiated in that taste for gaming which was the source of much unhappiness to him in after life. On his return to England, he was, at his own desire, sent back to Eton. "He had left school a boy; he returned to it with all the follies and fopperies of a young man."*

In the autumn of 1764, he left Eton, and went to Hertford College, Oxford, where he was distinguished alike for his application and superior talents. He quitted Oxford in the autumn of 1766, and went abroad for two years, the chief portion of which he spent in Italy. He returned to England in August, 1768; and having, during his absence, and while he was yet under age, been elected member for Midhurst, he took his seat in the ensuing session, and made his first speech on the 15th of April, 1769, in support of the decision in favour of Colonel Luttrell on the famous Middlesex election. He spoke, says Horace Walpole, with insolence, but with infinite superiority of parts. In February, 1770, when Lord North succeeded the Duke of Grafton as Premier, Fox was appointed a junior lord of the Admiralty. He retained this situation for two years, and resigned it partly in consequence of some misunderstanding with Lord North, and partly because he had resolved to oppose the Royal Marriage Bill, "which, *in place*," he says, "I should be ashamed of doing;" but he had no thoughts, he adds, "of going into opposition." He had an immediate and satisfactory explanation with Lord North, and in January, 1773, was appointed one of the Lords of the Treasury, a situation which he continued to occupy until his memorable quarrel with Lord North in the February of the following year.

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* Biographical sketch of Fox in the Encyclopædia Britannica.

A scandalous libel, reflecting on the character of the Speaker, Sir Fletcher Norton, having appeared in the "Public Advertiser," a motion had been made that the printer, Mr. Woodfall, be taken into the custody of the Serjeant-at-arms. Mr. Fox, thinking this punishment insufficient, without consulting Lord North, moved an amendment to the effect that Mr. Woodfall be committed to Newgate. But, although Lord North substituted the Gatehouse, which was the then Westminster prison, for Newgate, as a less objectionable place of confinement, he was left in a minority on the division, the original motion having been carried by a majority of more than two to one. There had previously been some coolness between Fox and the Premier. The defeat, which Lord North attributed to the temerity of his colleague, did not, of course, tend to diminish it; and a day or two after, while Fox was sitting on the Treasury bench, engaged in conversation with the Premier, he received from the hands of one of the door-keepers the following laconic note: "Sir,—His Majesty has thought proper to order a new commission of the Treasury to be made out, in which I do not perceive your name.—North." Fox now entered the lists of opposition: and, throughout the whole of the American war, proved a most powerful antagonist to the ministers of that period.

On the resignation of the ministry of Lord North, a result which the exertions of Fox, in opposition, had contributed greatly to bring about, a new administration was formed under the Marquis of Rockingham, in which Fox was appointed Secretary for Foreign Affairs. This administration, however, was but short-lived; for the death of the Premier, three months after his acceptance of office, overthrew all the arrangements that had been made. Lord Shelburne having succeeded to the office of First Lord of the Treasury, Fox soon afterwards tendered his resignation; and he and Lord North, who for the last eight years had been violent antagonists, were found by one another's side in opposition. After a time, they united their strength, and procured a vote of censure on the terms of peace proposed by the Ministers. Upon this, which took place in February, 1783, Lord Shelburne resigned. After some difficulty, and a lapse of several weeks, during which the country was left without any responsible government, the coalition administration was formed; the Duke of Portland being Premier, and Lord North and Fox Secretaries of State. The principal measure which it attempted was Fox's East India Bill, which was rendered unpopular by being represented as a violation of chartered rights, and as tending to aggrandize the influence of Ministers to the detriment of the Crown. The bill, having passed through all its stages in the Commons with large majorities, was sent up to the Lords, where it was read the first time without a division. Previously, however, to its second reading, the King sent a message, through Lord Temple, to all peers to whom his personal influence extended, that he should deem those who voted for the bill not only not his friends, but his enemies. Ministers were consequently left in a minority; and on the following day, the King, amidst the all but universal joy of the country, dismissed them. Mr. Pitt then succeeded to office as First Lord of the Treasury and Chancellor of the Exchequer.

From 1784 to 1792, Fox was leader of a powerful party in the Commons, in opposition to Mr. Pitt. His most remarkable exertions during that period were against the Westminster scrutiny—on the Regency—against the abatement of impeachments by a dissolution of Parliament—on the Libel bill—and on the Russian armament. From the latter part of 1792 to 1797 his efforts were unceasing, first to prevent a war with France, and subsequently to restore peace. At length, finding his exertions in Parliament fruitless, he determined, in the year 1797, no longer to attend in his place in the House, unless called upon to do so by his constituents; and passed his time, from that period down to 1802, at St. Anne's Hill, in the pursuits of literature, and the society and conversation of his friends. In 1802 he returned to public life. The death of Mr. Pitt, on the 23rd of January, 1806, dissolved the Administration of which he was at the head; and in the new Ministry formed under Lord Grenville, Fox was appointed Secretary for Foreign Affairs. He expired on the 13th September, 1806, in the fifty-eighth year of his age.

" To speak of him justly as an orator," says Sir James Mackintosh, in his masterly character of Fox,* " would require a long essay. Everywhere natural, he carried into public something of that simple and negligent exterior which belonged to him in private. When he began to speak, a common observer might have thought him awkward; and even a consummate judge could only have been struck with the exquisite justness of his ideas, and the transparent simplicity of his manners. But no sooner had he spoken for some time, than he was changed into another being. He forgot himself and everything around him. He thought only of his subject. His genius warmed and kindled as he went on. He darted fire into his audience. Torrents of impetuous and irresistible eloquence swept along their feelings and conviction. He certainly possessed, above all moderns, that union of reason, simplicity, and vehemence, which formed the prince of orators. He was the most Demosthenean speaker since the days of Demosthenes."

December 6, 1770. Mr. Serjeant Glynn moved, "That a Committee be appointed to inquire into the Administration of Criminal Justice, and the Proceedings of the Judges in Westminster Hall, particularly in Cases relating to the Liberty of the Press, and the Constitutional Power and Duties of Juries." Mr. Alderman Oliver seconded the motion, and expressed his desire that the Committee should have for a particular object of its inquiry, the conduct of the chief delinquent, whom he believed to be Lord Chief Justice Mansfield. Mr. Serjeant Glynn affirmed, that a general belief prevailed of the judges being unfriendly to juries, encroaching on their constitutional power, and laying down false law, in order to mislead them in their verdicts. Sir George Savile defended the motion warmly. "If you reject it," said he, "it will render you not only odious, but despicable. You will be thought possessed of no faith, no honour, no conscience. Your name will become the ridicule and laughing-stock of the rabble. The House will be exposed in songs, and ballads, and ditties, in every street: '*Flebit et insignis tota cantabitur urbe.*' The authorlings, and printers, and printers' devils will be all in motion. The press will labour and groan. Newspapers, pamphlets, puns, and pasquinades, will increase and multiply. Grub-street will pour out its thousands, and Paternoster-row its tens of thousands; and the land will be one scene of anarchy and confusion." The arguments in favour of the motion were combated by Mr. Attorney-general De Grey, and Sir Gilbert Elliot; and Lord Mansfield's character was strenuously defended by Lord Clare and Mr. Jenkinson. Mr. Burke and Mr. Wedderburn, while they supported the motion, disclaimed and reprobated all those asperities of diction which had been used in speaking of the Lord Chief Justice, and paid a tribute of applause to his extraordinary talents and conspicuous integrity.

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* Published in Dr. Parr's Collection, entitled, "Characters of Mr. Fox, by Philopatris Varvicensis."

Mr. Fox spoke as follows:

"SIR,

"We are told by the abettors of this motion, that jealousies, murmurs, and discontents increase and multiply throughout the nation; that the people are under terrible apprehensions that the law is perverted; that juries are deprived of their constitutional powers; that the courts of justice are not sound and untainted; in a word, that the Judges have, like a dozen* of monstrous Patagonian giants, either swallowed, or are going to swallow up, both law and gospel. And how do they prove the truth of these allegations? The manner, Sir, is pleasant enough. They refer us to their own libellous remonstrances, and to those infamous lampoons and satires which they have taken care to write and circulate. They modestly substitute themselves in the place of the nation, and call their own complaints and grievances the complaints and grievances of England. Their meaning is plain enough, and we understand perfectly how all their grievances might be redressed.

"For my part, Sir, I am not disposed to take the voice of a miserable faction for the voice of my country. Were the people really dissatisfied, I should be glad to know how I am to ascertain the reality of that dissatisfaction? I must freely confess that I know no other way but that of consulting this House. Here the people are represented, and here is their voice expressed. There is no other criterion but the majority of this assembly, by which we can judge of their sentiments. This man, in order to answer one purpose, and that man, in order to answer another, will tell you, that a general cry has gone abroad against certain men and certain measures: but will you be so credulous as to take him upon his word, when you can easily penetrate his interested views, and find him the original and prime mover of all the clamour?

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* At the time in question, the number of the Judges of the three Superior Courts of common law at Westminster was twelve. The number is now fifteen.

"Sir, I could easily trace the authors of the outcry raised against the Judges; and I would point them out, had not they, as well as their selfish ends, been already exposed in all their deformity. Why, then, should we hesitate to put a negative upon a question, which sprang from such a low source? From dirt it came, and to dirt let it return. As to myself, I certainly shall vote against the motion, as I can never acknowledge for the voice of the nation what is not echoed by the majority of this House; and I do not find that the majority of us entertain any suspicions, much less terrible apprehensions, of the Judges; though, if there were any just foundation for complaint, we must certainly have been better informed of it than the people.

"Indeed, Sir, if the adoption of this inquiry would answer any good purpose, I should not be such a violent opposer of it, convinced as I am that the Judges are blameless. But I am fully persuaded that would not be the case. For, as I have shown, it would be an attempt to remove discontents which do not exist but among those who have generated, fostered, and reared them up to their present magnitude, and who would not, therefore, be satisfied, though Justice, though Astrea herself, should descend naked from heaven to exculpate our Judges. And, what is more, it would, on their own principles, prove fruitless and nugatory, even if we suppose the people to be really discontented. For what have they been doing for these two last years, but ringing constantly in our ears the contempt in which we are held by the people? Have not they made these walls incessantly echo with the terms of reproach, which they alleged were cast upon us by men of every degree, by high and low, rich and poor, learned and unlearned? Were we not, and are we not still, according to their account, held in universal detestation and abhorrence? Does not the whole empire, from one end to the other, reckon us equally weak and wicked? In a word, are we not become an abomination in the land? Such is the language of the minority. How then can they, with a serious face, desire us to undertake this inquiry, in order to satisfy the people? The people, if their former assertions are to be credited, will receive no good at our hands. They will regard what we say no more than the prattle of a knot of coffee-house politicians. We are too ridiculous as well as odious to do anything that will appear gracious in their eyes.

"What, Sir, is the conclusion to be drawn? Why, this. Let us satisfy ourselves. Let us act according to the dictates of honour and conscience, and be at peace with our own minds. It is thus that we shall sooner or later regain the confidence of our constituents, if we have lost it; and not by humouring, as foolish nurses humour great lubberly boys, the wayward whims of a misled multitude. The characteristic of this House should be a firm and manly steadiness, an unshaken perseverance in the pursuit of great and noble plans of general utility, and not a wavering inconstant fluctuation of councils, regulated by the shifting of the popular breeze. If we are not to judge for ourselves, but to be ever at the command of the vulgar and their capricious shouts and hisses, I cannot see what advantage the nation will reap from a representative body, which they might not have reaped from a tumultuous assembly of themselves, collected at random on Salisbury Plain or Runnymede. And it is very well known, Sir, that such an irregular and riotous crowd are but ill-qualified to judge truly of their own interest, or to pursue it, even when they form a right judgment. They are but very unsteady guardians of liberty and property. Do you want proofs? Consult the English history, and you will find them in every page."

Mr. Serjeant Glynn's motion was negatived upon a division: Ayes, 76; Noes, 184.

March 25, 1771. On the 8th of February, Colonel George Onslow made a complaint to the House, of Thompson and Wheble, two printers of newspapers, for misrepresenting the speeches, and reflecting on several of the members. The obnoxious passages being read, Colonel Onslow moved, that the printers should be called to justice for infringing the standing order. After some debate, the printers were ordered to attend. When the Serjeant-at-Arms went to the houses of the printers, they were constantly denied; which being reported to the House, Colonel Onslow moved an address to the King to issue a proclamation for the apprehension of the offenders. In consequence of which proclamation, Wheble was taken and carried before Alderman Wilkes, who not only discharged him, but took recognizances for prosecuting the person by whom he was apprehended. Thompson was similarly arrested, and discharged by Alderman Oliver.

On the 12th of March, Colonel Onslow preferred a fresh complaint against six other printers for the same offence. They were ordered to attend the House: four presented themselves; a fifth could not attend, being in custody in Newgate, by order of the House of Lords; the other, whose name was Miller, refused to obey the summons, and an order was issued for taking him into custody by the Serjeant-at-Arms. When the messenger appeared, Miller refused to submit to the arrest, and violence being used, a constable, prepared for the purpose, took charge of the officer, and carried him to Guildhall, to answer for the assault. Mr. Wilkes, the sitting alderman, having finished the business of the day, refused to take cognizance of the affair, and the parties were conducted to the Mansion-house. The Lord Mayor (Alderman Brass Crosby), attended by Aldermen Wilkes and Oliver, admitted the parties; Mr. Miller made his complaint, and the Lord Mayor asked the messenger what offence the printer had committed, and by what authority he presumed to assault him? The messenger pleaded, that he acted under the direction of the Speaker, and produced his warrant. The Deputy-Serjeant now announced himself, and said he came there by the Speaker's command, to demand not only the messenger, but Miller, his prisoner. His application was refused, and Mr. Miller discharged. The assault was next proved: the messenger refused to give bail, and a warrant for committing him to the Compter was signed by the Lord Mayor and the two aldermen. When the matter had proceeded to this extremity, and the officers were ready to take away the messenger, bail was given.

The Deputy Serjeant-at-Arms immediately related these transactions to the House. Orders were issued for the Lord Mayor and Alderman Oliver to attend in their places. The Lord Mayor was heard in his defence; after which it was resolved, that the discharging Miller out of the custody of the messenger, the signing a warrant against the said messenger, and the holding him to bail, were breaches of the privileges of the House. Mr. Alderman Oliver was then heard in his defence. He declared that "he owned and gloried in the fact laid to his charge; he knew, that whatever punishment was intended, nothing he could say would avert it. As for himself, he was perfectly unconcerned; and, as he expected little from their justice, he defied their power." Upon this, Mr. Welbore Ellis moved, "That Richard Oliver, Esq., be for his said offence committed to the Tower." The motion was supported by Mr. Attorney-general Thurlow and Mr. Fox; and opposed by Sir George Savile, Mr. Serjeant Glynn, Mr. Alderman Townshend, Mr. Barré, and Mr. Dunning. Mr. Fox spoke in answer to the last gentleman. Mr. Fox said:—

"SIR,

"Notwithstanding what the honourable and learned gentleman, who spoke last, has been pleased to urge with regard to the divided views and the divided interests of the House of Commons and the people, he has not been able to convince me, either that the authority of this House is not the best security of the national freedom, or that our welfare can possibly be separated from the welfare of the public.

"Sir, the honourable gentleman is pleased to say, that the voice of this House is not the voice of the people, and he sets the language of clamour without doors in opposition to our deliberations, as if we were not especially appointed by the constitution, the only revealers of the national mind, the only judges of what ought to be the sentiments of the kingdom. I say, Sir, what ought to be, because many laws are highly necessary for the public safety, which excite the discontent of the people. If we were never to pass a law, until it obtained the sanction of popular approbation, we should never have a settled revenue to support either the establishment of our domestic policy, or to defend ourselves against the invasion of a foreign enemy. You never see a tax instituted, Sir, without hearing loud impeachments of Parliamentary integrity. The uninformed zealots, who seem animated with an enthusiastic love for their country, generally charge us with having sold them to the minister; and we are accused of venality for imposing those burdens, which we know to be absolutely necessary, and to which we ourselves, if the House of Commons is supposed an assembly of the first property in the State, must always be the largest contributors.

"Sir, it may possibly appear strange, that a representative of the people should not deem it more meritorious to comply with the wishes of his constituents, than to counteract them; and it may possibly be urged, that it is his duty, upon all occasions, to act in conformity to those wishes, however repugnant they may be to the sense of his own conviction. Sir, I will not differ with the honourable and learned gentleman about the idea he annexes to his terms of 'the people;' I will, for argument's sake, allow that nine-tenths of the people are at this moment in opposition to Government. But I shall at the same time insist, that we have higher obligations to justice than to our constituents; we are chosen the delegates of the British electors for salutary, not for pernicious purposes; to guard, not to invade the constitution; to keep the privileges of the very freemen we represent, as much within their proper limits, as to control any unwarrantable exertion of the Royal authority. We are bound to promote their true interests in preference to the dearest desires of their hearts, and the constitution makes us the sole arbiters of those interests, notwithstanding the imaginary infallibility of the people.

"To show, Sir, the propriety of this reasoning, let us suppose that the people, instead of this mixed monarchy, which we celebrate as equally the pride and envy of the universe, should instruct us, their representatives, to introduce a democratical form of government: should we act as good subjects to our King, or as faithful guardians to our country, if we complied with so dangerous an instruction? We have sworn to maintain this constitution in its present form; to maintain the privileges of Parliament as a necessary part of that constitution, and neither to encroach upon the legal jurisdiction of the peers, nor the just prerogatives of the Sovereign. Shall we, then, do what we are sensible is wrong, because the people desire it? Shall we sacrifice our reason, our honour, our conscience, for fear of incurring the popular resentment, and while we are appointed to watch the Hesperian fruit of liberty with a dragon's eye, be ourselves the only slaves of the whole community?

"Perhaps the honourable and learned gentleman will tell me, that nothing but the 'soul of absurdity' could suspect the people of a design against their own happiness. Sir, I do not suspect the people of any such design, but I suspect their capacity to judge of their true happiness. I know they are generally credulous, generally uninformed; captivated by appearances, while they neglect the most important essentials, and always ridiculously ready to believe, that those men who have the greatest reason, from their extensive property, to be anxious for the public safety, are always concerting measures for the oppression of their own posterity. Sir, if I misrepresent the people, whence spring those eternal terrors of being ruined in the midst of the most unbounded prosperity? Have we not tottered, if popular clamour is to be credited, upon the verge of ruin, since the first moment of our existence as a nation? Indeed, at the period of the Revolution, patriotism itself acknowledges we were saved; yet from that period let us only read the works of our greatest politicians, and we shall find ourselves utterly undone! Even our glorious deliverer was scarcely seated upon the throne, when the grateful people, whose liberties he had restored, began to consider him as an enemy to the constitution. In every succeeding reign it was asserted that we were destroyed; and at this moment, although exulting in all the pride of a felicity never known to our ancestors, we are gravely told, that we have reached the deepest abyss of destruction!

"Let us look around, Sir,—let us survey the monuments of our ruin, and then ask what credit is due to the representations of our political screech-owls? Observe the magnificence of our metropolis—the extent of our empire—the immensity of our commerce—the opulence of our people. Survey the unfortunate citizens of London, Sir, and you will find every shopkeeper of any consideration, with his elegant villa, and his variety of equipages. Consider only the present opposition of the City of London to the whole body of the British legislature, and then judge how it must be oppressed! To show you further the *ruined* state of the kingdom, let me remind you that our territories occupy *no more* than the largest, the most valuable space of any European dominion in the four quarters of the globe; that our trade is proportioned to this superiority of empire; and that our subjects, from the burning regions of Hindostan to the chilling mountains of Canada, exceed the subjects of every other power in greatness of wealth and certainty of freedom. These, Sir, are the proofs of our *declining* fortune! May our calamities of this kind hourly increase, though the people should still continue to murmur! and may we always remain the happiest nation under heaven, however offended our patriots may be because we are not happier than is consistent with the lot of humanity!

"From what I have advanced, Sir, with respect to our duty as representatives of the people, it naturally follows, that we are by no means to act against our own judgment merely to gratify their ill humour or their caprice. In Charles the First's time, the unlimited indulgence of the popular wish occasioned the destruction of the constitution; and, if the present allegations of popularity deserve the least weight, they show what incompetent judges the people are of the public prosperity. The last parliament, Sir, was as obnoxious to the people as the one in which we are now sitting: they approved what it is fashionable to term an 'infamous' peace,* and they expelled a profligate libeller of their lawful Sovereign;† yet, with all this weight of delinquency upon their heads—reviled and execrated as they were by the people—look round, and see who the people have chosen in their room. If we except deaths and promotions, Sir, are not the former *traitors*, nearly to a man, again the representative body of the legislature—again trusted with the freedom of the subject—again the express election of the people? When we behold these things, Sir, we are immediately struck with this alternative—either the people are not judges of their own welfare, or they have sold themselves for an infamous price, to their members. In either case, the conclusion proves the little regard which ought to be paid to their complaints, against the sense of our conviction. If they are virtuous, they are not wise; and if they possess wisdom, they have no right to find fault, since every oppression they groan under is the natural result of their own scandalous dishonesty.

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* In allusion to the treaty of Paris, concluded on the 10th of February, 1763, between Great Britain, France, Spain, and Portugal.

† In No. 45 of the "North Briton," Wilkes charged George III. with having uttered a falsehood in his speech from the throne, for which he was expelled the House of Commons, on the 19th January, 1764.

"It is urged, Sir, with great gravity, by many gentlemen in opposition, that the House of Commons, as the creatures of the people, have no right whatever to exercise an authority over their constituents. This position, Sir, breathes the spirit of freedom with a vengeance, for it lays the axe to the root of all subordination at once, and puts an entire end to the whole system of constitutional government.

"No doctrine, Sir, was ever yet broached in this kingdom, either so dangerous, or so ridiculous, as that which seriously insists that the House of Commons, because elected, is without jurisdiction, and that the people, because the origin of all power, must therefore be exempt from all obedience. The people make the laws, as well as the legislators; but will any advocate of licentiousness presume to say, because they are the fountain of authority, that they are of consequence discharged from a submission to legal institutions? The law, Sir, is as much the creature of their formation as this House; yet, surely, it will not be said, that they are to tread it under foot, or to launch out into the barbarisms of their natural state, after solemnly forming a compact of civil society.

"The only point, therefore, remaining to be discussed is, Whether the people at large, or this House, are the best judges of the public welfare? For my own part, Sir, I shall not hesitate to pronounce positively in favour of this House. What acquaintance have the people at large with the arcana of political rectitude, with the connexions of kingdoms, the resources of national strength, the abilities of ministers, or even with their own dispositions? If we are to believe the very petitions which they have lately presented to the Throne, they are unequal to those powers which the Constitution has trusted to their hands. They have the power of electing their representatives; yet you see they constantly abuse that power, and appoint those as the guardians of their dearest rights, whom they accuse of conspiring against the interests of their country. For these reasons, Sir, I pay no regard whatever to the voice of the people: it is our duty to do what is proper, without considering what may be agreeable: their business is to choose us; it is ours to act constitutionally, and to maintain the independency of Parliament. Whether that independency be attacked by the people or by the Crown, is a matter of little consequence; it is the attack, not the quarter it proceeds from, which we are to punish; and if we are to be controlled in our necessary jurisdiction, can it signify much, whether faction intimidate us with a rabble, or the King surround us with his guards? If we are driven from the direct line of justice by the threats of a mob, our existence is useless in the community. The minority within doors need only assault us by their myrmidons without, to gain their ends upon every occasion. Blows will then carry what their arguments cannot effect, and the people will be their own agents, though they elect us to represent them in Parliament. What must the consequence be? Universal anarchy, Sir. Therefore, as we are chosen to defend order, I am for sending those magistrates to the Tower who have attempted to destroy it; I stand up for the Constitution, not for the people; if the people attempt to invade the Constitution, they are enemies to the nation. Being, therefore, Sir, convinced that we are to do justice, whether it is agreeable or disagreeable to the people, I am for maintaining the independency of Parliament, and will not be a rebel to my King, my country, or my own heart, for the loudest huzza of an inconsiderate multitude."

The question being put for the committal of Mr. Alderman Oliver to the Tower, the House divided: Ayes, 170; Noes, 38.

A similar motion passed with regard to the Lord Mayor, on the 27th.

February 10, 1777. On the 6th of February, Lord North brought in a bill "to empower his Majesty to secure and detain Persons charged with, or suspected of, the Crime of High Treason, committed in North America, or on the High Seas, or the Crime of Piracy." The progress of this bill was contested with a warmth and pertinacity proportioned to the magnitude of its objects, and the importance of the *habeas corpus*, that inestimable privilege, which it was intended to suspend. Lord North, on the motion for introducing it, observed, that during the war many prisoners had been made, who were in actual commission of high treason; and many might be taken in the same predicament, but perhaps, for want of evidence, could not be legally confined. It had been customary, on similar cases of rebellion, or danger of invasion, to enable the King to seize suspicious individuals; but Ministers, at present, did not demand a confidence so extensive; there was no domestic rebellion, nor any prospect of invasion; but, as the law stood, it was not possible, officially, to apprehend the most suspected persons; prisoners made from the rebels, and in the act of piracy on the high seas, could only be legally confined in the common gaols, a mode which their numbers would render impracticable. It was necessary the Crown should have a power of confining them like other prisoners of war. On the second reading, upon the 10th,

Mr. Fox said, "that the bill served as a kind of key, or index, to the design that Ministers had been for some years manifestly forming, the objects of which they rendered visible from time to time, as opportunity served, as circumstances proved favourable, or as protection increased and power strengthened. It resembled," he said, "the first scene in the fifth act of a play, when some important transaction or circumstance, affecting the chief personages in the drama, comes to be revealed, and points directly to the *dénouement.* This plan had been long visible, and, however covertly hid, or artfully held back out of sight, was uniformly adopted, and steadily pursued. It was nothing less than robbing America of her franchises, as a previous step to the introduction of the same system of government into this country; and, in fine, of spreading arbitrary dominion over all the territories belonging to the British crown. He contended, that nothing but the most inevitable necessity could justify the present measure; such a concurrence of circumstances as happened at the Revolution, when the people of England were compelled to embrace the alternative of submitting passively to the will of a base, perjured tyrant, or of trusting to the dangerous experiment of appointing a dictator to preside over them, in the person of the Prince of Orange, till a new constitutional establishment could be formed, and legally recognised. This perilous state of things was but of short duration; it was running, to be sure, a great risk; but then, it was to preserve the liberty of this country from eternal destruction." He dwelt a considerable time on the invaluable advantages derived from the *habeas corpus* act, which he called " the great palladium of the liberties of the subject;" expressing, at the same time, " his astonishment, in the boldest and most animated terms, at the insolence and temerity of Ministers, who could thus dare to snatch it from the people, by a mandate manufactured by themselves, though sanctioned by the sign manual; and not only attempt to deprive the object of their envy, resentment, or fears, of his liberty, but send him out of Great Britain, to the most remote part of the British dominions. Who knows," said he, " but the Ministers, in the fulness of their malice, may take into their heads, that I have served on Long Island, under General Washington? What would it avail me, in such an event, to plead an *alibi;* to assure my old friends, that I was, during the whole of the autumn American campaign, in England; that I was never in America, nor on any other sea but between Dover and Calais; and that all my acts of piracy were committed on the mute creation? All this may be very true, says a Minister, or a Minister's understrapper; you are for the present suspected, that is sufficient. I know you are fond of Scotland; this is not the time for proofs; you may be, and very probably are innocent—what of that?—this bill cares not a fig whether you are guilty or innocent. I will send you, under this sign manual, to study the Erse language in the Isle of Bute; and as soon as the operation of the bill is spent, you will be at liberty to return whither you please; and then you may, if you like, call on your accusers to prove their charges of treason in America, and of piracy on the high seas; but they will laugh in your face, and tell you they never charged you, they only suspected you; and the Act of Parliament will serve as a complete plea in bar; it will answer a double end; it will be at once your redress and our justification. Oh, but says the learned gentleman, it is not possible to tell how far constructive treason may extend; or whether it may not reach such as have aided and abetted the American rebels, by sending them arms and ammunition, by corresponding with them, &c. It is, it seems, lucky for me, that I have no connexion in America; if I had, though they could not so decently suspect me of being on Long Island in August last, when they knew the contrary, they might say, that I held a treasonable or a piratical correspondence with them. Suppose, for instance, I had an old school-fellow, or intimate companion: I should most probably have kept up a correspondence; and, when writing to him, should have told him, 'that the Whigs, and those that were friends to the Revolution, were looked upon now as factious persons; for these are the the times that large strides are taken, not only to destroy the liberties of America, but of this country likewise.' Would not such a paragraph as this furnish a good ground for suspicion? But weakness, cruelty, suspicion, and credulity, are almost always inseparable; at least, they are often found in the same company. Ministers are credulous in the extreme, because they are fearful; and they are fearful from a consciousness of their crimes. Suspicions, however ill-founded, upon tales, however improbable, are received by them as facts not to be controverted: witness the information of Richardson against Sayre, some time since; and the recent affair of John the Painter, relative to the improbable story of his setting fire to the rope-house at Portsmouth. I am not surprised at anything. The tone of the Minister is become firm, loud, and decisive. He has already assured us, in this House, that he has nearly subdued America; and, by what we are able to collect from this bill, we may presume he means to extend his conquests nearer home."

The House divided on the motion for the second reading of the bill: Yeas, 195; Noes, 43.

February 2, 1778. The order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider of the State of the Nation: the several estimates, papers, and accounts which had been moved for, were referred to the said Committee. The House then went into the Committee, Mr. Pulteney in the chair. Upon which, Mr. Fox rose, and said:—

"SIR,

"It is my intention to enter this day only into the minor part of the business, which I hope will undergo the consideration of this committee; a committee, Sir, appointed for the important purpose of considering the present alarming state of the nation. I must, however, beg not to be considered as the mover in this momentous concern; it is the nation that calls for this inquiry, and I am only one instrument in the bringing it about. What I have to beg of the House, is not to mix this day's business with anything that has passed before, but to go plainly and directly to the business, to consider what is the actual state of the country, and how Great Britain can be saved from the critical situation in which she now stands. And in considering the subject, I would wish gentlemen would agree with me at least so far, as to divest themselves of all former opinions, of all favourite ideas, and of all prejudices which may have been contracted in the course of past debates, and take them up anew as they are the result of the present inquiry, and the fair deductions from the information now conveyed to the House. I would wish gentlemen to forget their animosities, and consider themselves neither as friends nor enemies to America, nor that country either with love or hatred, but regard it with a calm and dispassionate mind, as a part, and a very considerable part, of the British empire.

"Sir, the method I have chalked out to myself, as the most likely way to bring men to a right understanding of the present state of the nation, and to point out what conduct it is our interest in future to pursue, is to state facts as they appear from the papers on the table; first, with respect to the Army, that in the years 1774, 1775, 1776, and 1777, there was such an army, consisting of so many thousand men, and that such and such operations were performed; I shall, secondly, state the impossibility of increasing that army; and, thirdly, the enormous expense that has already been incurred. The resources in men and money thus failing us, the conclusion naturally is, that there must be some sort of negotiation, and in this part of the business I cannot too much lament, that my motion for papers relating to what has already passed on this subject was rejected.* This would have enabled the House to judge of the impediments that have hitherto prevented such negotiations from taking place, and to provide some adequate remedy.

"After having stated these facts, and drawn this conclusion, which, I think, may fairly be deduced from them, I shall go retrospectively, and show that the war has been mismanaged, even on the principles of those who undertook it. It will be, then, a proper time to look back, and see to what our want of success has been owing, as I believe I may lay it down as an incontrovertible axiom, that, when a country falls, within the short space of a few years, from the highest pinnacle of glory to which any country, either in ancient or modern times, ever arrived, there must have been some radical error in the government of it: though at the same time I will allow, that if it should turn out that there is a radical error, it is not of itself a proof of the criminality of Ministers. I am inclined to think, that there has been a radical error in carrying on the war at all, and likewise that there have been errors equally great in the conduct of it.

"Sir, I shall not now enter into any more of the proceedings relative to America, than are necessary to show the immediate steps which have brought us into our present situation. Without discussing the various questions which have been for many years agitated in Parliament, I shall take up the measures relative to America in the year 1774, when the riots at Boston† first called for the attention of this House: papers were, indeed, called for and granted, but there were some things that tended that year to shut the eyes of Ministers to the true state of that country, and the true interest of this,—which was to prevent, rather than stimulate and increase, the general discontents in the colonies; everybody must allow, that the agreement with the East India Company was a most unfortunate one, and the immediate source of all the troubles that have since followed; everybody knows what happened. Here began a capital mistake of the Ministry: they mistook a single province for a whole continent; they mistook the single province of Massachusetts Bay for the American empire. Virginia, a colony no less jealous of its rights, nor less warm in its assertion of them, was entirely forgotten: it was not thought possible that any other colony should unite with the Massachusetts; now whoever fights against ten men, and thinks he is contending only with one, will meet with more difficulties than if he was aware of the force brought against him: for I believe I may lay it down as an undoubted maxim in politics, that every attempt to crush an insurrection with means inadequate to the end, foments instead of suppresses it. The case here was, you took a great object for a small one, you took thirteen provinces for one: and not only that, you imagined the other twelve were with you, when the very act you were then doing, made those twelve equally hostile; for another misfortune at this time was the taking a violent step against the town of Boston. If America was not before sufficiently united in a determined resistance to the claims of this country, this measure made all America combined: they were all from that moment united with the town of Boston, which might have been before the object of the jealousy of the rest. Another mistake was the altering the government of the province of Massachusetts Bay,* whereas the acts of all the other colonies, as well as this, plainly showed it was not the form of government in that province which occasioned the commotions there, because other provinces, which depended more on the Crown, and which have the appellation of royal governments, were not less early or less vigorous in their opposition and resistance. Now, Sir, if the form of this government was not itself the cause of the troubles in that country, then the alarm given by the alteration of that government was certainly a most capital mistake; because it gave the whole continent reason to think and to fear, that they had no security in the permanency of their government, but that it was liable to be altered or subverted at our pleasure,

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* On the 2nd of December, 1777, Mr. Fox made the motion to which he refers.

† The British Legislature having passed an act permitting tea to be exported free of duty to all parts of the globe except America, where it was subjected to an impost of threepence in the pound, the inhabitants of Boston had thrown into the sea three cargoes of tea, which, had been consigned to that port for sale by the East India Com-

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pany. The Act 14 Geo. III., c. 19, was, in consequence, passed, by which it was declared illegal to land or ship merchandize at Boston, until full satisfaction was made to the East India Company for the loss of their tea. For a full account of the riots at Boston, which led to the passing of the Boston Port Act, see "Annual Register," vol. xvii., p. 49 *et seq.*

* In the year 1774, an Act had been passed for taking away the charter of the province of Massachusetts Bay, and vesting the nomination of counsellors, judges, and magistrates in the Crown, and in some cases in the King's governor; all to be removeable at the pleasure of the Crown.

on any cause of complaint, whether real or supposed; their natural jealousies were awakened; by the same reasoning, the governments of the other colonies, though much more dependent on the Crown, might be rendered entirely despotic, and they were all from thence taught to consider the town of Boston as suffering in the common cause, and that they themselves might very soon stand in need of that assistance which they were now lending to that unfortunate town.

"But, Sir, there was another circumstance which tended to mislead the House, and for which the Ministers and not the House were entirely to blame, and that was the partial manner in which they laid papers before the House; they laid the accounts of facts, but no opinions of people upon the spot as to the extent of the resistance, the temper of the people, or any other circumstance concerning it. Now, Sir, if men are endued with passions, if they are not mere machines, the knowledge of facts is nothing, unless it is accompanied with a knowledge of the springs and motives from whence such actions proceeded. Suppose, for instance, a person in a distant country had no other way of judging of the temper of this House, and of the motives of their conduct, but from our printed votes; could such a man form any judgment of the reasons why such a line of conduct was approved, and why such a one was rejected? Sir, it would be ridiculous in the extreme to suppose it. Now, Sir, I will venture to affirm, that this House was not, in the year 1774, informed of the spirit of opposition there was in America, and of their prejudices against taxation. If they had, I should hope they would have thought it wise, if not just, to have applied such remedies as might have healed rather than irritated the distemper. But, instead of anything of this sort, other bills were immediately passed, showing that all was of a hostile nature, and that nothing was to be expected from this country but coercion and punishment, particularly the Act, as it is called, for the more impartial Administration of Justice;* I mean the Act for sending over persons to be tried here in England. This gave the idea of a great and effective army, as a provision for the consequences of much bloodshed and slaughter. And, after all, what sort of an army was sent? As that Act excited their terror as well as indignation at our injustice, so the army that was sent excited their derision, without at all lessening their resentment. It taught them to contemn the power of this country, as much as they abhorred its injustice.

"But, as if all this was not sufficient to irritate and provoke, the Quebec Act was passed,† the contents of which everybody knows. The principal purpose of this Act was to form a great interest in Canada, to be a perpetual check upon the southern provinces, and to keep them in awe; it was considered in this light in America, and was held up by the violent party in that country as a specimen of the form of government that might be introduced and established in every part of that continent. Hardly any man after this would say a word in favour of the British legislature; every remaining friend to government, as he was called—that is, every man less violent than the most violent, had nothing to say in favour of the good intentions of the mother country. After this act passed, it put an unanswerable argument in the mouths of all parties, that the intentions of Great Britain were vindictive in the extreme. The makers of the Quebec Act, whoever they were, thus became the friends to the violent party in America. If they had not thus seasonably interposed, there was a chance of America being divided, or at least of there being different degrees of resistance in its colonies. This made them all not only more firmly united, but equally zealous and animated, equally determined to go all lengths rather than submit. Now, Sir, the passing of that Act at that time, had the same effect that, for instance, the repeal of the Test Act would have had in King William's time; for however great a friend I am to universal toleration, I should certainly have been against it at that period, because it would have disobliged one party, more than it would have served another; it would have joined a great body of Tories to the enemies of the Revolution, who were already sufficiently numerous. From the moment, Sir, this Quebec Act passed, there was only one party in America; it stopped the mouths of the moderate party, if any such were still left.

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* By the 14th Geo. III, c. 39, it was enacted and declared, that if any person were indicted in the province of Massachusetts Bay, for murder, or any other capital offence, and it should appear to the Governor, by information on oath, that the fact was committed in the exercise or aid of the magistracy in suppressing tumults and riots, and that a fair trial could not be had in the province, he should send the person so indicted to any other colony, or to Great Britain, for trial.

† The Act for altering the Government of the province of Quebec, was passed in the year 1774.

"Another extraordinary idea, Sir, was at this time taken up, namely, that the coercive Acts passed in that session would execute themselves. The only argument in favour of the Ministers on this head is, that they thought the army there sufficiently strong to enforce the execution of these Acts. This is another instance in which the Parliament confided absolutely in Ministers, as I allow must sometimes be the case; it may not be fit on all occasions for Parliament to know, while an important business is in execution, every step and every particular; there must be a certain degree of confidence reposed in Ministers: that confidence was reposed here, and Ministers are therefore answerable if it should appear that they have abused it. Sir, in 1775, Ministers began to be afraid that more ill consequences might follow; they then found, for the first time, that the cause of Boston was the cause of America; they therefore passed more laws, and sent out a capital reinforcement, with three able generals.* The Americans, on the other hand, became still more united; the name of a party was, however, yet kept up, and, notwithstanding all the violent measures of this country, and the armies that were sent out for the purpose of supporting the friends of Government, the Tories, as they were called, and punishing the Whigs, yet the Tories suffered more than the Whigs, their friends more than their enemies.

"But, as if all this was not enough to exasperate, and to prove they had no resource left but in self-defence, we rejected, before the end of the session of 1775, the petition from New York,* drawn up in the most affectionate and respectful terms that could be, considering the state of the contest: this was the last effort of the moderate party, your own friends, who were told, on the news going back to America, 'You see what dependence is to be put in Great Britain: how will she treat us, when she has thus treated you?' Sir, a few weeks before the arrival of the reinforcements, the civil war began. Then followed the battle of Bunker's-hill.† This ought, at least, to have been a lesson to the Ministry that America was unanimous, and determined to put everything at stake. Sir, there is one circumstance I omitted to mention in its place, and that is the conciliatory proposition of the noble lord (North).‡ I need not go into this now; it has been often considered, and, without saying anything more about it at this time, I will only say, what everybody must allow, that this House was left to judge of the *quantum*, which was one of the very principal objections urged by the Americans, that they did not know how far this claim of ours might extend; it was, in fact, not only asserting the right, but establishing it in practice. Now, Sir, I beg leave to stop here for a moment, and ask this question—Does any man seriously think it better to give up America altogether, unless we can exercise the right of taxation in the uncontrolled and unlimited manner in which we claim it?"

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* Generals Howe, Burgoyne, and Clinton.

Mr. Fox then ran over the various operations of our army in America, after the arrival of the troops, from their being cooped up in Boston, to their being obliged ultimately to leave it.§ He then described the conduct of

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* Presented by Mr. Burke.

† In June, 1775, the English attacked Bunker's Hill, which was occupied by the American troops, and having been twice driven back, succeeded in dislodging their opponents, but with a loss of 226 killed, and 828 wounded.—"Holmes' Annals of America," vol. ii., p. 211, note.

‡ Lord North's proposition for conciliation with America was, "That when the Governor, Council, and Assembly, or General Court, of any of His Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the General Court, or General Assembly, of such province or colony, and disposable by Parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved by His Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the net produce of the duties last mentioned to be carried to the account of such province or colony respectively."

§ The retreat from Boston, for the purpose of assuming a more central position for hostilities, had long been meditated and resolved upon by the British general, but was delayed by the want of transports, and by other circumstances. When, however, Washington obtained possession of Dorchester heights, it was rendered compulsory. "Adolphus' History of the Reign of George III.," vol. ii., pp. 337, 338.

America. "What," said he, "was the language of America at this time? They send a petition to this country, couched in the most respectful terms, disclaiming every idea of independence, which had been, in the course of the preceding session, objected to their conduct, and desiring no concession that would be in the least dishonourable to the mother country, but supplicating His Majesty, that he would be pleased to point out some mode. How was this petition received, and what was the answer? All that was said, was, to this petition no answer will be given. But the Ministry gave out, that the petition was all a farce, for the Americans wanted independence. If this had been really the case, which I in my conscience do not believe, what occasion was there for saying so? Why not have tried the experiment, and by this means have showed to all the world the unreasonableness of your enemies and your own moderation? Suppose, for instance, you had been treating with Louis XIV., who, everybody allows, aimed at universal monarchy; suppose you had been treating with him about a petty town in Flanders, would you have told him, 'Ay, it is impossible to treat with you, you aim at universal monarchy, you never mean to give up this town, for you will not be contented till you get them all.' But, Sir, least of all should this have been objected by those who say the Government have a great party in America; that the friends to British government are still numerous and powerful there; for these arguments militate against each other. If independence was a popular pretension in America, why should America have unnecessarily disclaimed it? Yes, but it is said, it was meant to deceive America;—why, then, if it was necessary to deceive America, she did not mean independence, otherwise it would have been deceiving her into the belief of a thing which she did not approve. But, if America was averse to independence, was it not worth while to try pacific measures?

"Instead, however, Sir, of anything of this sort, a change of Administration at this time took place, which plainly showed there was no chance left but in war; and now, for the first time, Sir,—I allow it,—real, vigorous measures were adopted; the whole force of this country was to be exerted: every nerve was to be strained. The first event, however, of this campaign,—I mentioned it before,—was General Howe's being driven out of Boston; and now, Sir, only to show the versatility of some people, and, as an instance how ready the men who caused all these calamities are to adapt themselves to the unfortunate consequences of their own conduct, as soon as the news came over of General Howe's evacuating Boston, they congratulated each other on the event, they were glad of it, it was a lucky step, though, by the bye, there is still the greatest reason to believe it was a matter of necessity, not of choice. Fifty-five thousand men had been voted; Sir William Howe's army was completely reinforced. Everybody knows what passed. He makes himself master of Long Island; he takes New York, &c.* Here were two or three battles gained; here was a sort of victory, though not an absolute extinction of the enemy's army. What followed? All promises of taking the moment of victory for proposing terms of accommodation were forgot. But this was the moment in which the Americans declared themselves Independent States.* Did this look like a termination of the contest? If it did, there was a circumstance that passed in the latter end of the year 1776, from which you might, at last, have learnt that it was impossible to reduce them by mere force. I mean the affair at Trenton.† The sudden manner in which this army was gathered together, the success that attended it from the nature of the country, plainly showed it was impossible entirely to reduce them. But to show the deafness of Administration to every proof of the true disposition of America, and to show, likewise, the uniform conduct of gentlemen on this side of the House, a motion was made in the latter end of the year 1776, for a revision of the laws by which the Americans might think themselves aggrieved.‡ To revise the Acts that had been passed was surely as gentle a word as could be made use of, and indeed was the expression made use of by the Commissioners themselves in a proclamation they issued in America. I need not say, Sir, that this motion was, for various reasons, but without one solid argument, rejected.

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* As to the battle on Long Island, the evacuation of New York by the American troops, and the subsequent engagements between the British and Americans, see "Holmes' Annals of America," vol. ii., p. 245, *et seq.*

"Sir, as to the events of the last campaign, I shall touch them very slightly. It is sufficient to say, that no decisive stroke has been given. We have got possession of three towns instead of one, but of no more extent of country than is just within a small circuit round these towns. With regard to General Burgoyne's expedition,§ I will only say,—that it failed. The expedition itself is of such a dye, that it deserves a separate consideration. It should be reserved to itself.

"Sir, after having passed resolutions concerning the various facts and events during the period I have been describing, the House will naturally form an opinion concerning their future conduct, and I shall then ask, whether any man can imagine it possible to go on with an offensive war? If it should appear that our means are inadequate to the conquering them, and that the having gone on so far has shaken the credit of the nation, more than it was shaken at the end of a six years' war with France, then it will be for the House to consider what is to be done in the present moment. It seems to me that the inference will be, that force alone is not sufficient, and that we must call in negotiation to its aid. But, Sir, this is a subsequent consideration. Another question, likewise, with regard to the alliances of this country: if it shall appear that we are strong in alliances, then it is very true we may venture somewhat further than we might otherwise venture. This is a very proper thing to be considered.

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* The Americans declared themselves independent on the 4th July, 1776.

† For an account of the battle of Trenton, and of the manner in which Washington took the Hessian troops by surprise, and obliged a considerable number of them to lay down their arms, the rest having escaped; see "Adolph. Hist. of Reign of Geo. III." vol. ii, p. 384.

‡ Mr. Fox alludes to Lord John Cavendish's motion for a revisal of the laws by which the Americans might think themselves aggrieved.

§ See "Holmes' Annals of America," vol. ii., p. 269 *et seq.*; and "Adolph. History of the Reign of George III.," vol. ii., p. 464 *et seq.*

"Sir, I set out with acquainting the House, that I meant to-day to begin with a very small part of the business; it is only to draw an inference from the papers on the table, that in the present situation of things it will be very imprudent to send any more troops out of the kingdom. The peace establishment of troops in Great Britain has been 17,000. Now, Sir, I do not mean, by what I say, to approve of that establishment. I think it too high; but such it has been of late years; 17,000 for Great Britain; 12,000 for Ireland; 3,500 for Gibraltar, and 2,300 for Minorca. These make, altogether, 34,800. This is the establishment in time of profound peace. But various reasons conspire to make us apprehensive of war; the conduct of France, the state of public credit, his Majesty's speech at the opening of the session, are alone sufficient to prove that there is the greatest reason to prepare for a foreign war. Now, Sir, if 34,000 men are necessary to be kept up in time of peace, I think no gentleman can be of opinion that we should have less than that number at the present moment. Mr. Fox then showed from the papers on the table, that the number of the troops now in Great Britain, including the officers, non-effective, &c., did not exceed 15,000; in Ireland, 8,000; in Gibraltar and Minorca, 5,000; so that there was now an actual deficiency in the peace-establishment of 6,000 men. I think, Sir, it appears from this, that it would be madness to part with any more of our army. As to the new levies, I do not now consider whether the levying them without the approbation of Parliament be legal and constitutional; that will be to be considered another day: but I speak on a supposition of their being levied. And if they are, I should hope it is not intended that the safety of this country is to be left to them.

"On the whole, Sir, it appears to me, that if gentlemen are not blind, they will see that the war is impracticable, and that no good can come from force only; that the lives that have been lost, and the treasures that have been wasted, have been wasted to no purpose; that it is high time we should look to our own situation, and not leave ourselves defenceless upon an idea of strengthening the army in America, when, after all, it will be less strong than it was last year,—a year which produced nothing decisive, nor in the least degree tending to complete conquest."

Mr. Fox concluded with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give orders that no more of the Old Corps be sent out of the kingdom."

The Committee divided: For Mr. Fox's motion, 165; against it, 259.

April 10. In the Committee on the State of the Nation, Mr. Powys, after a speech, in the course of which he maintained, that, from the exhausted state of the finances of the country, and the great expense into which the American war had plunged it, nothing could be more necessary to us than peace with America, moved, "That the powers of the Commissioners appointed to treat with America be enlarged; and that they be authorized to declare the Americans absolutely and for ever independent."*

Mr. Fox said, "he had formed a decided opinion upon the present question, and if he should happen to differ in his sentiments from a venerable character, whom he honoured and revered (Lord Chatham), the committee would give him credit that no early prejudice, no infant pique, directed his judgment or influenced his mind. He had considered this matter, abstracted from every other object, and his judgment was formed upon logical, as well as natural, reasoning and deduction. The dependency of America he thought it impossible, from our situation, as well as from the nature of the object, for us to regain. She had joined with France in an amicable and commercial treaty. The latter had recognized her independency,† and both were bound in gratitude to defend one another, against our resentment on the one hand, or our attempt to break it on the other. If by concession or coercion we attempted to recover the dependency of America, we should have the powers of France and America, and perhaps Spain, to encounter with. If we attempted to punish France for recognizing the independency of America, America would join her, and we should have, in either case, two, if not three, powers to combat with. It was probable, that the greatest part of Europe would join in the recognizance. Gratitude on the one hand, and obligation on the other, would unite them in one bond, and we should experience the joint efforts of all, if we attacked one. If, on the contrary, the committee agreed to the motion, and thereby recognized the independency of America, we should be no longer bound to punish the European powers, who had already, or who might do the same; and we should probably secure a larger share of the commerce of the Americans, by a perpetual alliance on a federal foundation, than on a nominal dependence.

"He could not avoid lamenting the language at present used in the House of Commons; namely, that the Americans were not generally inclined to independence. Now, could anything be more distant from probability? Had we not seen proof upon proof exhibited to the contrary? Had not the provinces, one and all, entered into the most solemn bond not to depart from, or rescind, their vote of independency? and had not even thousands of them, in the province of Carolina, as well as in others, taken an oath before Heaven to maintain it? The Congress and the people were the same. Distinct opinions, party distractions, and disunited interests, had not been formed in America, with regard to the great point in which, by their unanimity, they had succeeded. He laughed to hear the contrary asserted; but he hoped sincerely that the honourable gentleman near him (Governor Johnstone), and the other commissioners, had more solid grounds to go upon, and more rational hopes of success. He viewed the dependency of America as a matter of very little moment to any part of this country, other than the Minister and his dependants. He understood that the appointment of governors, and other officers by the Crown, was an object of their contemplation, and one which they esteemed of great consequence. It was meant, he supposed, as an addition to the weight in the scale of Government, and this circumstance deserved the most serious attention of the House. The three estates of Parliament could no longer be the security and defence of our constitution, than while they remained in an equipoise with regard to one another. If one preponderated, the executive over the legislative, or the legislative over the executive, the superstructure must fall. It was a melancholy, but certain truth, that the power of the executive had been gradually exerting itself to a predominancy for some years past, and its growth was already dangerous to our constitutional existence. The further advantage that would be thrown into the scale, by the weight of America, would give maturity to its growth, and perpetual dominion to it over the legislative; because, by the exemption from taxation, no degree of weight whatever was added to the legislative state. Taxes were so far necessary to our constitution, seeing that they engaged the people narrowly to watch and resist the influence of the Crown. Their lives and properties could only be in danger when the Crown became despotic. A security against that danger destroyed their fears; and not being concerned in the advancement or depression of the Crown, they did not regard its progress. Good God! then, could Britons with their eyes open, and sensible of the danger arising from the predominancy of the executive power, wilfully throw so great an addition of strength into it, as the power of appointing the officers to the government of America must necessarily create? Had we not appointments, douceurs, sinecures, pensions, titles, baubles, and secret-service money enough already? Did not the creatures of Government swarm in every department, and must we add to their number?

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* The Earl of Carlisle, Governor Johnstone, and Mr. Eden, together with Lord Howe and his brother General Howe, were appointed his Majesty's commissioners under the 18 Geo. III., c. 13, to treat with the Americans. As to the terms offered by the commissioners, and the reply of Congress, see "Adolph. Hist. of Reign of Geo. III.," vol. ii., p. 580, and "Holmes' Annals of America," vol. ii., p. 290.

† On the 6th February, 1778, the treaty by which France recognized the independence of, and entered into commercial arrangements with, the United States, was executed; and on the 21st March, in the same year, a public audience and reception was given to the American ambassadors, Franklin, Deane, and Lee, by the French King.—"Holmes' Annals of America," vol. ii., pp. 281, 293.

"He could not see that American independency would so soon rise as the honourable gentleman imagined, to maritime pre-eminence. The Americans could have no inducement to hunt for territory abroad, when what they quietly possessed would be more than they could occupy and cultivate. They would find the advantages of conquest unequal to those of agriculture;

and remembering that man had naturally a predilection for the enjoyment of landed property, they would find it impossible, in a country where land was to be had for nothing, to propagate a spirit of manufacture and commerce. Every American, more or less, would become the tiller and planter, and the country might, in some future and distant period, be the Arcadia, but it could never be the Britain of the world.

"He reverted to the arguments of an honourable gentleman near him (Mr. Pulteney), in regard to the finances of this country. He never was more surprised than he was at hearing a man of sense introduce such a puerility. The internal opulence of the country might be introduced as a figure of show, to delude the ignorant into an extravagant idea of our resources; but the people must know that it was a mere delusion. If we were reduced to such an emergency as to have reference to the fundamental opulence, so might our enemy; and, comparing the one resource with the other, we must acknowledge that theirs, in that respect, was treble our own. Our natural resources, he knew, were superior to those of our enemy, in proportion to the extent of country; but we ought to remember, that theirs were capable of more improvements without injuring the people than ours. Would Ministers but abolish the extravagant method of collecting their revenues, the voluptuous manner of expending them, and the enormous extent of the royal expenditure, what a superiority, in point of revenue, might they not effect!

"He condemned the Conciliatory Acts as totally inadequate to the object, and declared, that if they produced any good end, he should attribute it solely to the influence of the honourable and worthy gentleman (Governor Johnstone) who was last joined in the commission. He hoped the committee would consider seriously of the matter before them: there had been enough of treasure fruitlessly wasted; and, that they might not waste more on an inadequate commission, he begged them to extend its powers, and thereby secure its success. He could not avoid adverting to the conduct of the Ministry, in regard to the French 'aggression.' He knew not from whence the word came, but he supposed it meant 'insult.' Himself and others were termed pusillanimous, because they attempted to stem the torrent of rage that rushed from the bosoms of the Ministry on that occasion;—they were called pusillanimous, because they were calm; but could they not now, with double energy, send back the term on those men who had confessed that the nation was insulted; who had made the King and the Parliament of England confess that they were insulted; and who, for a whole month, had pocketed the insult, without preparing to punish it, or taking a single step for the defence of the nation? He begged the committee to observe, that the Ministry, conscious of their own inability, were obliged, when they wanted service to be performed, to call to their assistance the very men who had condemned their measures, and uniformly despised them. But if a peace was to be negotiated, or a war to be undertaken (meaning the appointment of Governor Johnstone in the one case, and Admiral Keppel and

Lord Amherst in the other), they were obliged to employ the men on his side of the House."

Mr. Burke supported the motion. Mr. Pulteney, Governor Johnstone, and Mr. Dundas, opposed it. Mr. T. Townshend thought the motion premature, and moved, "That the Chairman do leave the chair;" which was agreed to without a division.

November 26. The King opened the session with a speech from the throne, replete with complaints of the unexampled and unprovoked hostility of the Court of France. With regard to the events of the war, it was short and inexplicit; grounding the hopes of success on future exertions, on the state of preparation, and on the spirit of the people, more than on the actions of the campaign; which were alluded to with a coldness that might easily be construed into censure. Notice was, however, taken of the protection afforded to commerce, and of the large reprisals made upon the injurious aggressors. The professions of neutral powers were represented as friendly, but their armaments suspicious: the failure of the conciliatory measures was regretted: the necessity of active exertions by sea and land, pointed out by the situation of affairs, was urged in general terms, without specifying any plan of operations: with regard to the American war, a total silence was observed. The address of the House of Commons, with the usual professions of attachment and support, repeated, in nearly the same expressions, the sentiments contained in the speech. Mr. Thomas Townshend moved, to substitute in place of part of the address, the following amendment: "To assure his Majesty, that with the truest zeal for the honour of the Crown, and the warmest affection for his Majesty's person and family, we are ready to give the most ample support to such measure as may be thought necessary for the defence of these kingdoms, or for frustrating the designs of that restless power which has so often disturbed the peace of Europe: but that we think it one of our most important duties, in the present melancholy posture of affairs, to inquire by what fatal counsels, or unhappy systems of policy, this country has been reduced from that splendid situation which, in the early part of his Majesty's reign, made her the envy of all Europe, to such a dangerous state as that which has of late called forth our utmost exertions without any adequate benefit."

Mr. Fox rose and said:—

"I rise, Sir, to second the amendment made by my right honourable friend, because I wish as much as he does to promote an inquiry into the misconduct and incapacity of his Majesty's present ministers.* I know that views of succeeding to some one of the offices filled by them, will be assigned as the motives of my conduct in opposing them, but we are now in a situation which obliges me to neglect all such considerations. I think myself so loudly called upon by my duty to my country, that I will freely expose my character to public animadversion, while I pursue that line which my duty marks out. Nobody is more sensible than I am of the necessity of unanimity at this juncture, and I wish I had the opportunity afforded me of supporting the Ministry with justice to the country: but that, Sir, can never be the case with the present. I know them too well to do so, and shall feel it my duty to give them every opposition in my power. I know that doing so will be called clogging the wheels of Government at a time when they ought to be assisted by every man; but, Sir, they have reduced us to that paradoxical situation, that I must choose one of two evils, for they have not left us the power of choosing any good: it is a paradox in fact, and I will take that part which appears to be, though bad, the best. I must, consequently, use all my exertions to remove the present Ministry, by using every means in my power to clog them in this House, to clog them out of this House, and to clog everything they engage in while they continue in office; and I will do so, because I consider this to be less ruinous than to submit any longer to their blundering system of politics.

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* Lord North and his colleagues.

"What, Sir, is our situation on entering into the present war with France, compared with what it was at the beginning of the last? England was then at the height of her happiness, and I may add, of her riches and commerce; all her resources were fresh and untouched, and in the full vigour of strength; but at the beginning of this we have been engaged in a four years' expensive, ruinous, fruitless war; and now that, by a complication of blunders, Ministers have brought us to this point, they impudently call upon us for unanimity, and desire we should continue them in office (for that is the object of the address) to blunder in a second war as they have done throughout the first.

"His Majesty, in his speech, tells us, that our efforts have not been attended with all the success which the justice of our cause and the vigour of our exertions seemed to promise. The speech is allowed on all hands to be the speech of the Minister; it is parliamentary so to consider it; and I will tell the noble lord that this assertion is not founded in fact,—that the speech is false: that you have had more success than you deserved, and that you ought to be happy at the issue of your exertions, and contented that things are no worse; you have had every success that could be expected from the measures of the noble lord, and more,—for you have escaped. Your fleet was sent out under that brave and able commander, Admiral Keppel:* twenty sail only to meet thirty ships of the line; that fleet on which your existence depended, and which alone stood between you and an invasion; the noble lord gave every chance of its being destroyed by inequality of numbers, and your navy at one blow totally ruined: It escaped; that could never have been expected. M. D'Estaing left Toulon† and went into the Mediterranean; when his destination was no longer doubtful, no fleet was sent after him to where he might have been effectually stopped: he was suffered to go out again, and to proceed with the treaty and the French ambassador on board, which the noble lord well knew; he had an uncommonly bad passage across the Atlantic, and thereby you escaped in America; an event that could not have been expected. Admiral Byron* was sent out to America at such a time that it was barely possible he should arrive in time to succour that brave and excellent commander, the noble lord† whom I am happy to see now in his place: by his conduct he was able to preserve the fleet under his command, such as it was, and it escaped;—that, too, could not have been expected. I say, therefore, that you have had better issue in every quarter than could possibly have been hoped for, and that consequently the speech not only asserts a falsehood, but throws an unjust, an illiberal censure upon the commanders employed in the service of the Crown, which ought alone to fall upon the Ministry.

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* See "Adolph. Hist. of Geo. III.," vol. iii., p. 4.

† See ditto, vol. ii., p. 590.

"What, Sir, does the speech next insinuate? That the Commissioners sent out to America have been equally censurable in not executing the 'conciliatory measures planned by the wisdom and temper of Parliament.' What were those plans of Parliament? for I never heard of them before. That the Commissioners should be sent out in the dark as to everything intended; was that the plan of Parliament? That General Clinton should leave Philadelphia‡ without giving the Commissioners two hours' warning, and that distrust should be saddled on them the moment of their arrival; was that the plan of Parliament? That they should offer terms of reconciliation equally degrading to this country, and unlikely to be listened to by Congress; was that the plan of Parliament? I never heard of these plans before, and I now disclaim all share in them. Parliament formed no plans, but the Ministry did, and we now see what they were; the speech is a libel upon Parliament, when it attributes to us such pitiful plans; the speech is slanderous and libellous in calling them plans of Parliament.

"Sir, of all the commanders employed by the present Ministry, of all the officers who have served under them, let me ask whether there is one who has not quarrelled with, and left them in disgust? In what single instance have the Ministry succeeded? And surely no Ministry was ever uniformly unsuccessful that did not plan unwisely? But there is a spirit of discord among them that frustrates everything; the moment any person is appointed to a command, from that moment the Ministry set themselves against him, from that moment he is counteracted, and at last forced to throw it up; happy if he can retire from their service before his reputation is lost in those

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[*] See "Adolph. History of the Reign of George III.," vol. ii., p. 590.

[†] Lord Howe.

[‡] Anticipating a war with France, the British Ministry ordered the removal of the troops from Philadelphia, which was situate 100 miles from the sea, and accessible only by a winding river, to New York, a more central position, and a commodious and desirable residence for the army.—"Adolph. History of the Reign of George III.," vol. ii., pp. 286, 287.

expeditions which they first absurdly plan in the teeth of every difficulty, and afterwards will not suffer to be executed. There is a spirit of discord in the constitution of the present Ministry which must ever have the same effect, and for ever prevent anything succeeding under their hands. That spirit of discord in the administrations of this country has been the characteristic of the present reign, but it never flourished in greater perfection than at present; the Ministry of to-day have exceeded all that went before them in that respect: that spirit has pervaded every branch of the service of the country, and, weak and disunited among themselves, disjointed and torn asunder, they laugh at opposition, and call upon us for unanimity. His late Majesty was not one of those princes whom history dignifies with the title of hero; yet this country never was at a higher pitch of glory than during the latter part of his reign; because it was governed by a Ministry so formed as to have in its constitution the principles of success; a Ministry who knew the interests of their country, who were unanimous in the Cabinet, and supported by the confidence of the people. What a melancholy contrast does the situation of the empire under that Ministry form with the present! How will it appear under the pen of some future historian, whose subject shall be, not the glory, but the fall of the British empire? Have the Ministers no regard to the fame of a master who has sacrificed everything to their emolument or ambition? Will they entail infamy upon his name, after having robbed him of one half of his people? Instead of being celebrated for those virtues and abilities which have extricated states from dangerous convulsions, how will it sear the eye-balls of the Prince to see the decline of his empire dated from his accession, and its fall completed within his single reign! His private virtues will, in the lapse of time, be forgotten; the character of the man will be lost in the character of the monarch, and he will be handed down to the latest posterity as the loser of his empire.

"His Majesty, in the speech, takes a great deal of pains to show that there is good cause for arming against France; his Majesty might have been spared that trouble; there is cause, and cause enough, to go to war with France; there was cause long enough ago; and that correspondence with America, which the speech calls 'clandestine,' has been known for years to every one of his subjects: when was it the Ministry, in their penetration, found out this clandestine correspondence? But now that they acknowledge it is necessary to go to war with France, what power have we to assist us? I see none mentioned, I hear of no alliance. No man has a higher opinion of the spirit or resources of this nation than I have; but you cannot enter into a new war alone; this nation is not able to fight the whole world at once, and yet you hear not a word of any ally or of any support. This one circumstance, if there were no other, is such a damning proof of the incapacity of the present Ministry, that I never will give my vote for an Address which pledges this House for the support of measures which they are to advise and direct.

"Look at your situation now, and what it was this time last year. What did the Ministers then say, and what have they since done? They told you in the month of November that there were thirty-five sail of the line then ready, and that seven more would be fit for sea in the month of December. Now, this account must have been false; for in March you had only twelve sent to America with Admiral Byron, and Mr. Keppel had only twenty; that makes thirty-two only—ten short of the number they themselves stated to you, so that the account given of them must have been false; or if they will say that it was not false, and that the other ten went to different stations, which I do not believe, then was the Admiralty sitting idle from November to March, without putting one more ship in forwardness, for more than three months, during which time France was employed in fitting out fleets in all quarters such as she never had before. They stated your fleet then to be infinitely superior to that of France, or of Spain; superior to them both together, but infinitely superior to either of them separately; that you were infinitely superior to them on every station: and yet, notwithstanding all this superiority at home and abroad, Mr. Keppel was sent out with only twenty sail to meet thirty ships of the enemy, and every possible chance given them of being destroyed. Notwithstanding our superiority and forwardness, Mr. Byron was not sent after M. D'Estaing (who went out on the 13th of April), until the 5th of May; and notwithstanding our superiority in every quarter, the noble lord who commanded in America was left without reinforcement, without even notice of the motions of the French to fall a prey, if fortune and his own conduct had not prevented it, to the fleet of France. But the whole of their conduct is well known to the world: need I mention the sending of a fleet of transports into the Delaware after Philadelphia had been evacuated, a fleet upon which the existence of the army depended, and which nothing but the most extraordinary accident could have saved:* need I mention the abandoning Philadelphia, the taking and keeping of which had cost so much;—but, indeed, I will give some degree of merit to that, as far as it was undoing what had been done, those are the only measures in which the Ministry ever had my approbation: yet, if it was to be done, Sir, why did not the commissioners know it? why were they sent out in ignorance, and exposed as wanting the confidence of their employers? On the moment of their appearance they were landed among the people with whom they were to enter into a negotiation of mutual faith, with the seal of suspicion fixed upon their commission. Here again broke out the spirit of the Administration—that spirit of discord which we never lose sight of. What opinion, after this, must America have of the commissioners? How were they to venture to treat with them? There was only one of the commissioners† who could have had the ear of the people in America; he alone of the commissioners had been their friend in Great Britain; he was acquainted with the temper of the province of Pennsylvania; he built his hopes in going out entirely upon the temper of that province, and the moment he was landed you left it; you carried him away with you, and left those who were ill-judged enough to be your friends to fall an undefended sacrifice for their attachment: there, again, the spirit of distrust and discord appeared; no steps were suffered to be taken towards a reconciliation; no plan was formed, no hopes conceived on any side, except the hopes, by amusing the House, of getting over the session here at home.

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* The two fleets, when on the point of engagement, were dispersed by a storm.

† Governor Johnstone.

"How all the schemes of the Ministry have been formed, judge from their issue; but consider for a minute how critically ill-timed has been every attempt. Terms of reconciliation were offered,—when? at a time when you had been baffled, at a time when you were subdued, at a time when they had ordered your army into such a situation that it was obliged to capitulate: was that a moment to be chosen to offer terms? But look back to what the noble lord has told you himself; 'he always intended a reconciliation, he always looked after a peace, and kept it in view.' Did he, then, engage you in a civil war with your brethren in America till he should be tired of an active scene of administration? Where was the use of entering into a war for a peace which you had offered to you without it? But he will tell you, No, it was to find the best time to make your peace, to find the best moment to propose your terms: he looked for that moment, he was on the watch for such a moment, and you see the glorious golden opportunity he fixed upon for the deliberate execution of a concerted plan. Good God, Sir, are these hands into which you will trust the fate of your empire? Who can listen to such facts without indignation and contempt? And what man will join in an address to keep ministers in office who are capable of such mismanagement?

"You have now two wars before you, of which you must choose one, for both you cannot support. The war against America has been hitherto carried on against her alone, unassisted by any ally; notwithstanding she stood alone, you have been obliged uniformly to increase your exertions, and to push your efforts to the extent of your power, without being able to bring it to any favourable issue; you have exerted all your strength hitherto without effect, and you cannot now divide a force found already inadequate to its object: my opinion is for withdrawing your forces from America entirely, for a defensive war you never can think of; a defensive war would ruin this nation at any time and in any circumstances; an offensive war is pointed out as proper for this country; our situation points it out, and the spirit of the nation impels us to attack rather than defence. Attack France, then, for she is your object: the nature of the war with her is quite different; the war against America is against your own countrymen; that against France is against your inveterate enemy and rival: every blow you strike in America is against yourselves, even though you should be able, which you never will be, to force them to submit; every stroke against France is of advantage to you; the more you lower her scale, the more your own rises, and the more the Americans will be detached from her as useless to them: even your victories over America are favourable to France, from what they must cost you in men and money; your victories over France will be felt by her ally; America must be conquered in France; France never can be conquered in America.

"The war of the Americans is a war of passion. It is of such a nature as to be supported by the most powerful virtues, love of liberty and of country, and at the same time by those passions in the human heart which give courage, strength, and perseverance to man; the spirit of revenge for the injuries you have done them, of retaliation for the hardships inflicted on them, and of opposition to the unjust powers you would have exercised over them. Everything combines to animate them to this war, and such a war is without end; for whatever obstinacy enthusiasm ever inspired man with, you will now have to contend with in America: no matter what gives birth to that enthusiasm, whether the name of religion or of liberty, the effects are the same; it inspires a spirit that is unconquerable, and solicitous to undergo difficulties and dangers; and as long as there is a man in America, so long will you have him against you in the field.

"The war of France is of another sort; the war of France is a war of interest; it was interest that first induced her to engage in it, and it is by that same interest that she will measure its continuance. Turn your face at once against her, attack her wherever she is exposed, crush her commerce wherever you can, make her feel heavy and immediate distress throughout the nation, and the people will soon cry out to their government. Whilst the advantages she promises herself are remote and uncertain, inflict present evils and distresses upon her subjects; the people will become discontented and clamorous, she will find the having entered into this business a bad bargain, and you will force her to desert an ally that brings so much trouble and distress, and the advantages of whose alliance may never take effect.

"What, Sir, is become of the ancient spirit of this nation? Where is that national spirit that ever did honour to this country? Have the present Ministers exhausted that, too, with almost the last shilling of your money? Are they not ashamed of the temporizing conduct they have used towards France? Her correspondence with America has been 'clandestine;' compare that with their conduct towards Holland some time ago: but it is the characteristic of little minds to exact in little things, while they shrink from their rights in great ones: the conduct of France is called clandestine; look back but a year ago to the letter of one of your secretaries of state to Holland: 'it is with surprise and indignation' your conduct is seen—in something done by a petty governor of an island—while they affect to call the measures of France clandestine; this is the way the Ministers support the character of the nation, and the national honour and glory! But look, again, how that same Holland is spoken to to-day; even in your correspondence with her your littleness appears—

> "'Pauper et exul uterque,
> Projecit ampullas, et sesquipedalia verba.'

From this you may judge of your situation; from this you may know what a state you are reduced to. How will the French party in Holland exult over you, and grow strong! She will never continue your ally while you meanly crouch to France, and dare not stir in your own defence; nor is it extraordinary that she should not, while the present Ministers remain in place. No power in Europe is so blind, none stupid enough, to ally itself with weakness, to become partner in bankruptcy, to unite with obstinacy, absurdity, and imbecility. For these reasons, Sir, I am against the Address upon your table, and most heartily concur in the amendment of my right honourable friend."

After a long and vehement debate, the House at two in the morning divided on the Amendment: Yeas, 107; Noes, 226. So it passed in the negative: after which the Address was agreed to.

April 19, 1779. Mr. Fox's motion for the removal of the Earl of Sandwich, First Lord of the Admiralty.

The order of the day being read,

Mr. Fox rose to make his promised motion, which he gave notice of before the Easter recess, for the removal of the First Lord of the Admiralty from his office, and from his Majesty's presence and councils. He observed, "that he would take up very little of the time of the House. He meant only to recapitulate the facts which he had brought forward in support of his former propositions. It would be sufficient barely to state them, for the purpose of calling them back to the recollection of the House, and present them anew in two different forms: namely, as the state of the navy in 1778 bore relation to the naval power of France, and its comparative strength with that of a former period of naval preparation and war in this country. To the motion itself, as a proposition to which the assent of the House was desired, he expected to hear one plausible and general answer given. He expected to hear it objected to as totally destitute of any proof to support it. It would be said, 'Have not the facts, or presumed facts, which have been urged on former occasions, been rejected by so many distinct negatives, in the manner they were separately proposed? That is, shall we now agree to come to a general vote of censure, upon an accusation which has been negatived in all its constituent parts? Shall we, in the capacity of judges, proceed to a direct censure of the party accused, though we have given a previous opinion, that not one of the allegations is true?' The reasoning, he confessed, had something in it, otherwise he should not have given the House or himself the trouble of taking notice of it; and he would meet it in this way:

"That, although the House did not concur in a vote of censure on any one of the separate grounds of accusation, it might well concur upon the whole charge collectively taken. The great waste of public money, the promises of the noble lord, our inadequate state of defence in June, the neglect of reinforcing the noble lord (Howe) over the way, when the fate almost of America depended upon it; the abandoning the trade and fortresses in the Mediterranean, &c., might not contain singly sufficient cause of removal in the opinion of a majority of that House; but, taking them in the aggregate, they would furnish matter well worthy of the vote of censure, which he was about to move, on the ground of wilful neglect or gross incapacity.

"The reason of such a mode of determining upon a complex charge was obvious, and was plainly within the inquisitorial power of the House. The House was competent to inquire, to examine, and censure. Their jurisdiction could not extend to punishment. They might accuse, but could not punish any man, much less any one of their own body, in any other way but by expelling him. When criminal charges, reciting specific offences, were made, they could only be decided upon in courts of criminal justice. On these occasions, the House of Commons, upon impeachments, acted as the grand inquest of the nation. The present proceeding was of a different nature, and did not call for that specification and certainty, which the law justly and wisely required when a man was questioned in a court of criminal judicature, and put upon a trial, on the issue of which might depend his honour, his property, and his life.

"Such being the true nature of votes of censure, for removal only, as contradistinguished from accusations specifically made and crimes distinctly alleged; it followed that the same degree of proof was not necessary; and such had been the usage of that House upon similar occasions,* some of which he had mentioned in a former debate in cases of votes of removal.

"Without relying totally upon former precedents, in support of the doctrine now laid down, though of an age too young to entitle him to a seat in that House, he remembered that he had been present at several debates on the Middlesex election, when an honourable gentleman, now a member of that House (Mr. Wilkes), was expelled upon an aggregate charge, such as that on which the present motion was founded. He was charged, in the original motion, for publishing the 'North Briton,' No. 45; for writing an impious and profane pamphlet, entitled 'An Essay on Woman;' for writing a libel on a noble viscount (Weymouth), then in high office, relative to the transactions in St. George's Fields, on the 10th of May, 1768; and for being outlawed. Here, then, were four separate charges collectively taken as a good ground of expulsion. The argument of those who supported the propriety of the vote, when pressed to take the sense of the House upon the several charges mentioned, was, would it be proper to expel him for any one of them? No; none of those charges separately considered, would justify the vote, but, collectively taken, they were sufficient.

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* The cases mentioned by Mr. Fox were, the Duke of Lauderdale and Lord Danby, in the reign of Charles II.; of Lords Orford, Somers, and Halifax, in that of William III.; of the Bishop of Worcester, in Queen Anne's reign; and of the Earl of Oxford in the reign of George I.—See "Parliamentary History," vol. iv., p. 625; vol. v., pp. 1257. 1266, 1299; vol. vi., p. 50; vol. vii., p. 74.

"He remembered the persons who took the lead in that business; they were the same who he expected would oppose the present motion. He hoped, therefore, that they would either decline any opposition on the present occasion, or acknowledge that they acted unfairly and unjustly in the instance alluded to. Whatever his hopes might be, he had very little solid reason to expect so much candour at their hands; at all events, they would stand convicted in the opinion of every impartial person; they would stand convicted of making their avowed doctrines and principles give way to their convenience.

"But independent of the precedent he had just mentioned, his motion would stand fully justified from its nature and the object it pointed to; for the question would shortly amount to this, without the shadow of criminality attending it—Is the First Lord of the Admiralty equal to discharge the functions of his office with safety to the State and with honour to the nation? Has he done it; or what reasons have Parliament to suppose, if he has not performed his duty heretofore, that he will act more wisely or capably hereafter? In fair argument and common sense, the strong probability is that he will not. Suppose the noble lord ever so indefatigable, ever so zealous or well inclined, the obvious deduction is, that according as the difficulties increase, his inability to provide against them will likewise increase. It would, indeed, be absurd, romantic, nay monstrous, to presume, that the author of our very alarming situation should be the only person in the nation to rescue us from the consequences of that situation. It would be the last degree of folly and madness to expect, that a person, who, by his ignorance and gross misconduct, had brought or suffered this country to fall from the highest pinnacle of fame, respectability, and naval glory, to the last stage of national degradation, weakness, and disgrace, contrary to every principle of public opinion and experience, was nevertheless equal to the very arduous task of acting as the saviour of his country, and the guardian of its interests, prosperity, and reputation."

He next proceeded to enumerate the several charges of misconduct, incapacity, or wilful negligence, which he had brought against the noble earl, in his three motions before the holidays. He observed, "that the noble lord had asserted, in another assembly, on the 20th of November, 1777, in reply to a noble lord since deceased (the Earl of Chatham), that there were on the preceding day, to wit, on the 19th of November, forty-two sail of the line ready and almost ready for sea; thirty-five actually ready, whose complements were 20,300 seamen and marines; 18,000 and a considerable fraction of which were already aboard, and upwards of 3,000 seamen and marines not shipped, which would more than supply the deficiency; that there were seven more ready to take their complements aboard, which could be easily procured in a very few days upon an emergency, by calling in the protections and issuing press-warrants. This was the noble lord's solemn assurance in another place; but what truth there was in that assurance might be easily gathered from this circumstance: that when Admirals Keppel and Byron went to sea, in the month of June following, his greatest efforts in the course of seven months, the last of which was a period of war preparation, produced no more than forty-two; twenty being sent under Mr. Keppel, thirteen under Mr. Byron, and nine sent upon miscellaneous services, to the West Indies, North America, &c.

"He arraigned the bad policy of totally neglecting the Mediterranean, and not sending a squadron there on the first notice received of the formidable armaments going on at Toulon; and if that measure was thought hazardous, there was not," he said, "even a colour of cause, for not detaching, in order to reinforce Lord Howe.

"He condemned the sending out Admiral Keppel with twenty ships, to go in search of an enemy greatly superior; and contended that it was big with danger, and might have terminated most fatally, had not the honourable admiral most fortunately fallen in with the 'Pallas' and 'Licorne' French frigates,* and taken them, by which means he discovered, to his utter astonishment, that Ministers had risked his whole fleet, in order to preserve appearances which they meant to keep with the people. They supposed, that Admiral Keppel might possibly not meet with the enemy, or if he should, that whether flight or defeat was the consequence, they might be enabled by their arts, by their emissaries everywhere, and their hirelings in print, to shift the blame off their own shoulders, and lay it upon the admiral, the officers, and seamen. Their subsequent conduct proved their disposition towards the admiral, and their real intentions. For when they found themselves no longer able to impose on the people, by its being known that the admiral returned for a reinforcement, they were urged by rage and disappointment, and showed every mark of it in the whole of their subsequent conduct. The First Lord of the Admiralty never thanked the admiral for returning, nor either approved or disapproved of his taking the two frigates; but permitted him to go to sea again without giving the least token of approbation whatever, further than a cold official letter.

"The noble lord, however, did not long conceal his sentiments under the mask of coolness and indifference. His lordship soon acted in a hostile manner; for, though he knew that Sir Hugh Palliser had accused, in a public print, by a letter signed with his own name, his commander-in-chief; and though his lordship afterwards knew, that the Vice-admiral of the Blue had declined to call for a court martial to inquire into his conduct, merely on the pretence of not obstructing the public service; yet in a few days after, when that gentleman preferred an accusation, without any cause whatever intervening, the accusation was received, and instant orders the same day given to the admiral to prepare for his trial.*

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* Admiral Keppel having been apprised, from the papers of the "Licorne," and other intelligence, that anchorage was ordered in Brest Harbour for thirty-two sail of the line and three times the number of frigates, retired into Portsmouth.—"Adolph. Hist. of the Reign of Geo. III." vol. iii., p. 5.

"How was it possible, for any man of honour or spirit, to serve with any safety to his person or character under such men, whose whole conduct was fraught with oppression and malice? It was a situation no independent man would submit to. It was a situation from which every wise and prudent man would fly with horror and disgust. The consequences were already felt in some instances. Lord Howe and Admiral Keppel were driven from the service; the whole body of sea officers were discontented; and that zeal, spirit, union, and confidence, which was the very life of military enterprise and success in war, was fled, and the whole navy divided and split into factions. How the whole would terminate was more than he could venture to predict: but one thing was pretty evident, that the discontents among those to whom the defence of the country was entrusted bore a very alarming and ominous appearance; and if some remedy was not speedily applied, he foresaw that Ministers would finally accomplish that ruin, by their faction and intrigue, the foundation of which they had laid by their incapacity."

After dwelling for a considerable time on these circumstances, he mentioned several others of a less important nature; one in particular, to show the predilection which the Admiralty-board had manifested in respect of ordering Admiral Keppel to be tried, though his accuser, Sir Hugh Palliser, the next day but one after the order was issued for that purpose, acknowledged in the face of the nation in that House, that he brought his accusation merely from motives of self-defence, and to exculpate himself from a charge of disobedience made by his Commander-in-chief.

"As a further proof of the partiality of the Admiralty-board, which he considered to be entirely influenced, or rather directed by the noble Earl," he said, "four of the members sitting upon the trial of the Vice-admiral of the Blue were persons who, on the former court martial, had given the most favourable testimony respecting his conduct in the action off Ushant; and likewise, that the persons summoned to give evidence were such who either knew least from their distance from the Formidable, or were otherwise less positive or direct in their testimony.

"This led him to the effect probably intended to be produced by this trial, which originated in motives of revenge to his honourable relation, Admiral Keppel; for if, by any management, the Vice-admiral should be acquitted, the inference would be, that, having done his duty, there must have been misconduct somewhere, which he was persuaded they would endeavour by this oblique manner to lay to the account of the Commander-in-chief.

"When he said this, he begged that gentlemen might understand, that he meant not to throw the least suspicion, much less a direct imputation upon the officers alluded to. He stated the fact as it struck him; and it was fair to argue upon it, and reason by analogy to the conduct of other tribunals. He understood it was a good ground of challenge to a juror, if he was even suspected of entertaining a bias one way or other. He thought it a very proper precaution, and the reason was obvious; because the law presumes that the juror is wholly to be guided by the evidence of the facts alleged or controverted, and not by any preconceived opinion of his own. The tenor of his oath is the same with that taken by a member of a court martial, who is restricted by it, to give a verdict according to the evidence adduced in court, and not from any opinion formed upon his own knowledge or presumed knowledge.

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* After sitting for thirty-two days, the Court Martial, by a unanimous verdict, fully and honourably acquitted Admiral Keppel, upon which he received the thanks of both Houses of Parliament.

"As a further reason for his being persuaded, that the noble Earl all along acted from the same principle of secret enmity and resentment to his honourable relation, he observed, that after one of the most respectable courts martial that ever sat, had pronounced the charge brought by the Vice-admiral of the Blue to be malicious and ill-founded, Ministers took no one step to show that they were convinced of the justice of Admiral Keppel's acquittal, or of the infamy with which his accuser had been branded by that passage in the sentence of acquittal, nor would since, if he had not given notice, that he meant, as the next day, to make a motion, which they learned was intended for the Vice-admiral's removal. When that day arrived, instead of expressing a syllable of disapprobation of Sir Hugh Palliser, a noble lord (Mulgrave) who enjoys a seat at the Admiralty-board, rose and acquainted the House that Sir Hugh had sent in his resignation, and that the board had accepted it. Still, however, he retained the lieutenant-generalship of the marines, and his government of Scarborough Castle, till Ministers again learned, that a motion to remove him from those two posts was meditating. Here they found themselves compelled to do what they feared might have been forced upon them. Accordingly, the noble lord in in the blue ribbon, with no small share of visible reluctance, found out, that Sir Hugh Palliser had tendered a resignation of his command in the marines and his government, and that his Majesty had been pleased to accept them. In short, he believed, there was not a second instance in the annals of this or any other country, of a person who had been so publicly disgraced, being permitted to retain places of such rank, emolument, and consequence, without any intention of removing him, till, by an unexpected address to the Throne for his removal, the consequence of which his Majesty's advisers did not think prudent to risk, they found themselves obliged to acquiesce.

"He laughed, he said, at the pompous accounts of our successes in the East and West Indies, which made their way into the London Gazette, and said, they were of very little consequence, when it was considered how dearly they were purchased; particularly the latter, where one half of the troops were dead or dying in hospitals; nor did he think the news just received from Georgia,* was of consequence sufficient to balance the hazard and expense attending it. He said, he understood that Colonel Campbell was arrived from Georgia the night before, and had brought an account of a victory gained over the Americans, but this victory came accompanied with a requisition for an immediate reinforcement. Our very victories and successes were nearly as fatal as our defeats. The troops under General Grant, the finest and best disciplined in the world, must return to America or Europe, or remain only to fall a prey to disease and the effects of a noxious climate; and the return of the second officer in command from Georgia, was a demonstration that the expedition to that province was planned in weakness, and under the mistaken idea, that the body of the people were attached to the British Government. He said, that the force was inadequate either to effect conquest, or give that degree of protection which was necessary to unite the loyalists or neutrals to the royal standard.

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* See "Holmes's Annals of America," vol. ii., p. 291, and "Adolph. Hist. of the Reign of Geo. III.," vol. ii., p. 594, and vol. iii., p. 52.

"He protested, before he sat down, that he entertained no personal pique or resentment against the noble Lord at the head of the Admiralty. His motives proceeded from his zeal for the good of his country. Uninfluenced by factious or party views, he stood forth in behalf of the State, which, if not rescued out of the hands to which the reins of Government were entrusted, must certainly be ruined,—he feared irretrievably undone. The part he had taken was disagreeable and painful on many accounts; so much so, that nothing could have urged him to it but a thorough persuasion, that the present, or some similar motion, presented the only probable means for saving the nation, and for the recovery of its former power, reputation, and glory." He finally moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to remove from his presence and councils, John Earl of Sandwich, as First Commissioner of the Admiralty, on account of the general ill state of the navy, under his administration, at the most critical seasons."

The motion was warmly supported by Admiral Keppel, Mr. James Grenville, Lord Howe, Mr. Thomas Townshend, Colonel Barré, and Lord John Townshend; and opposed by Lord Mulgrave, Governor Johnstone, Lord North, Mr. Welbore Ellis, and Captain Walsingham. The House divided on the question at a late hour, when Mr. Fox's motion was rejected by a majority of 221 to 118, who voted for the removal of the First Lord of the Admiralty.

November 25. The King opened the session with the following speech:—

"MY LORDS AND GENTLEMEN,—

"I meet you in Parliament at a time when we are called upon by every principle of duty, and every consideration of interest, to exert our united efforts in the support and defence of our country, attacked by an unjust and unprovoked war, and contending with one of the most dangerous confederacies that ever was formed against the Crown and the people of Great Britain. The designs and attempts of our enemies to invade this kingdom, have, by the blessing of Providence, been hitherto frustrated and disappointed. They still menace us with great armaments and preparations; but we are, I trust, on our part, well prepared to meet every attack, and to repel every insult. I know the character of my brave people: the menaces of their enemies, and the approach of danger, have no other effect on their minds, but to animate their courage, and to call forth that national spirit, which has so often checked, and defeated, the projects of ambition and injustice, and enabled the British fleets and armies to protect their own country, to vindicate their own rights, and at the same time to uphold, and preserve, the liberties of Europe, from the restless and encroaching power of the house of Bourbon. In the midst of my care and solicitude for the safety and welfare of this country, I have not been inattentive to the state of my loyal and faithful kingdom of Ireland. I have, in consequence of your addresses, presented to me in the last session, ordered such papers to be collected and laid before you, as may assist your deliberations on this important business; and I recommend it to you to consider what further benefits and advantages may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all my dominions.

"Gentlemen of the House of Commons,—The proper estimates shall, in due time, be laid before you. I see, with extreme concern, that the necessary establishments of my naval and military forces, and the various services and operations of the ensuing year, must inevitably be attended with great and heavy expenses; but I rely on your wisdom and public spirit, for such supplies as the circumstances and exigencies of our affairs shall be found to require.

"My Lords and Gentlemen,—I have great satisfaction in renewing the assurances of my entire approbation of the good conduct and discipline of the militia, and of their steady perseverance in their duty; and I return my cordial thanks to all ranks of my loyal subjects who have stood forth in this arduous conjuncture, and, by their zeal, their influence, and their personal service, have given confidence as well as strength to the national defence. Trusting in the Divine Providence, and in the justice of my cause, I am firmly resolved to prosecute the war with vigour, and to make exertion in order to compel our enemies to listen to equitable terms of peace and accommodation."

An address in approbation of the speech being moved by Lord Lewisham and seconded by Lord Parker, the following amendment was moved by Lord John Cavendish: "To beseech his Majesty to reflect upon the extent of territory, the power, the opulence, the reputation abroad, and the concord at home, which distinguished the opening of his Majesty's reign, and marked it as the most splendid and happy period in the history of this nation; and, when he shall have turned his eyes on the endangered, impoverished, distracted, and even dismembered state of the whole; after all the grants of successive parliaments, liberal to profusion, and trusting to the very utmost extent of rational confidence, his Majesty will expect to receive the honest opinion of a faithful and affectionate Parliament, who should think they betrayed his Majesty, and those they represent, if they did not distinctly state to his Majesty, in words, what the world has seen in most calamitous and disgraceful effects; that if anything can prevent the consummation of public ruin, it can only be new counsels and new counsellors, without further loss of time, a real change, from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless." The amendment was opposed by Mr. William Adam, Lord North, Mr. Dundas, Mr. Jenkinson, and Mr. Attorney-general; and supported by Mr. Hartley, Mr. James Grenville, Mr. Thomas Townshend, Admiral Keppel, Mr. Fox, Mr. Burke, and Mr. Temple Luttrell.

Mr. Fox rose, he said, "to express his astonishment at the paradoxical mode of reasoning adopted by an honourable gentleman (Mr. Adam), who introduced his speech with informing the House on which side he intended to vote when the House should come to a division, namely, in favour of Administration. The motives which induced that honourable gentleman to change sides, were rather curious, and of the first impression. At the beginning of the last session he thought the Ministers wrong, but the operations of the last campaign had taught him to think that Ministers were right; or in other words, that having once thought ill of them, a line of conduct still more disgraceful, more infamous, more destructive and ruinous, had at once done away the bad impression which their less humiliating and less mischievous conduct challenged, and had determined him to support them! This, he would be bold to say, was soaring to the very summit of political paradox and parliamentary enigma. The honourable gentleman had said, that there were men in Administration who were possessed of great abilities, and who enjoyed the confidence both of their sovereign and their country. Where was he to seek for them? Would the honourable gentleman be so kind as to direct his steps, and enlighten his researches? Was he to look for them at the head of the army? There he would find an officer, who, he was certain, had entirely lost the confidence of the whole body over whose interests and immediate government he had been raised, for the apparent purpose of protecting and regulating, and that by a partial distribution of favours, military rank, and refusing military merit its just and dear-bought reward; because scarce an instance had happened, since, on an unfortunate and ill-omened day, his lordship was appointed Commander-in-Chief, in which he did not furnish repeated proofs, that military rewards were snatched from the well-entitled veteran, and conferred on those who had no other recommendation to his notice than an influence, which he should, as the father and protector of the army, have set his face against in the most unreserved and direct manner. Was it in the Secretary of State's office, that he was to search? There, indeed, he ought to find a man whose knowledge of foreign Courts and interests might render him an able negotiator. But there again he would be disappointed; for no such person was to be found in that office. Was it at the Treasury or Admiralty-boards that his inquiries were to meet with the satisfaction sought? Alas! he had little reason to look for success at either. After a fruitless search through all the departments of state, the honourable gentleman had led him to the Court of Chancery. There, indeed, he acknowledged that a noble and learned lord* sat, of the first abilities, who did infinite honour to his bench; his lordship was in full possession of public confidence, but it was a confidence in the Chancellor, in the noble lord's professional abilities, not as a minister; for the people did not suppose that his station, his habits, or the duties of his office, allowed him much time to turn his attention to the political interests of the nation, or fitted him for the task.

"The honourable gentleman had taken an admirable method of commending Administration, by saying, that there were men more incapable among those who aspired to their places. He did not know how Ministers would receive this awkward and paradoxical compliment, but he knew that if he were a minister, and a man should come to him and say, 'Sir, I cannot defend you on the ground of your own conduct, it is so replete with blunders, absurdities, and inconsistencies, that all my abilities cannot even palliate them; but I will tell you what I can do to serve you: I will inform the world, that the men who oppose you are more ignorant, more inconsistent, more infamous, and more disgraceful than yourself:'—on hearing such an address, for his part, he would instantly reply, 'Begone! begone, wretch! who delightest in libelling mankind, confounding virtue and vice, and insulting the man whom thou pretendest to defend, by saying to his face, that he certainly is infamous, but that there are others still more so.'†

"Some gentlemen have been pointed out in the general invective alluded to, and high as his opinion of their abilities was, he believed, it was not in their power to save their country at present, at least without an absolute change of system; of measures as well as men; bottomed on the full and unreserved confidence of the Sovereign on one side, and every assistance which such a constitutional confidence could give; nay, he believed that if even the great Earl of Chatham were alive, a man in whom the people believed to reside a *quoddam divinum*, he would be found unequal to the task of restoring the glory and dignity of the British empire, if the present ruinous system were not first done away, and the very seeds of it exterminated. The words of the amendment were taken, he said, from the noble earl, when he first heard his opinion on the necessity of a real change, a change that would effectually bring about the purposes for which it was designed; a change of system, without palliatives. He confessed he did not then clearly understand the noble lord's meaning, but he had been since fatally convinced of its true import, which strengthened the former opinion he entertained of that great man's political penetration and transcendant abilities. He saw very early indeed, in the present reign, the plan of government which had been laid down and had since been invariably pursued in every department; it was not the mere rumour of the streets that the King was his own minister; the fatal truth was evident, and had made itself visible in every circumstance of the war carried on against America and the West Indies. There was not the least intelligence in the West Indies perceptible between the King's officers in the most kindred departments. Had not all such intelligence been destroyed by an invisible Cabinet influence, could it ever have happened that there should be in one of our lately-captured islands one hundred and fifty pieces of ordnance, and only forty men to work them? Could there have been in one place cannon without balls, and in another balls without cannon? In short, could mere ignorance in Ministers produce of itself so many complicated blunders as the last seven years have furnished, to render the present reign the most disgraceful period in the annals of this country.

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* Lord Thurlow.

† The consequence of this speech was a duel between Mr. Fox and Mr. Adam, in which Mr. Fox was wounded.

"He then asked, what was become of the American war? that war which had cost this nation so many millions, and so much bloodshed from our brave countrymen! Was it too trifling a subject to challenge any part of his Majesty's attention, or to have the least notice taken of it in the Speech from the Throne? or was it totally extinct and given to oblivion? The American war was now, it seemed, treated with the same silence in his Majesty's speech as he would treat the war of ancient Troy, with which he had nothing to do. But he wished Ministry would speak out and say whether the American, like the Trojan war, was totally past, and no longer to be remembered in that House? If that was their determination, where was the British army under Sir Henry Clinton? why were our brave countrymen to be kept in a state of disgusting inactivity where no war was to be carried on? If there was no American war in fact existing, except in the swelled catalogue of our public accounts, why was an army of sixty thousand men suffered to moulder away at New York, and be the painful witnesses of the enemy's unrepelled attacks? to see their near posts carried by the enemy without an effort on their part to preserve them? If it was true that General Clinton had an army of Americans only, who exceeded the number of Washington's whole force, how was this inactivity to be accounted for?

"He next took a short review of the naval and military operations in the West Indies. He displayed the weakness of Administration in sending out three thousand five hundred men with Admiral Arbuthnot, to reinforce an inactive army, already sufficiently numerous, if they were themselves to be believed, when with that force our islands,* now in possession of the enemy, might have bid defiance to the descent of Count D'Estaign. He gave praise most liberally to that part of the British fleet which engaged the Count; but inveighed strongly against the authors of the unfortunate circumstance respecting the powder, by which our seamen saw their balls fall harmless into the water short of the enemy, whilst our ships received the greatest damage at the same time from their shot. He expatiated very powerfully upon the neglects by which our coasts and docks were exposed to danger during the late alarms of invasion: and made many severe comments upon the operations of the navy on that occasion; particularly on the dishonourable circumstance of their flight from an enemy, superior to them indeed, but which became so by the shameful folly of Administration, in not preventing the junction of the fleet of Bourbon.

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* St. Vincent and Grenada.

"The Minister had ventured to assert, that we were now in a better state than we were in at the close of the last session. And how does he prove his assertion? said the honourable member. 'The enemy intended to invade us and they have not done it.' (At the same time, by the bye, the noble lord had expressed his wishes, that they had landed.) Now the only better prospect the noble lord has in view for his country next spring is, that they may again atttempt, and, happily, that they may then be able to effect their purpose. If so, that this year we were in more danger because the enemy did not land; the next year we shall be in less danger, because they probably may be more successful, and actually effect a landing."

He then adverted to the mismanagement of the army; mentioning the general dissatisfaction that prevailed amongst the officers, on account of the mode of promotion in the new levies. "They did not murmur at little partialities shown to a Rutland or a Harrington: the usage of the army suffered some little deviation from the strict rules of promotion in favour of such men, and to attach them to the service; but when officers of long service are told by a Secretary-at-war, 'You cannot have this or that promotion, because you are in the army; but it may be given to such or such a person, because he never was in the army,' who can wonder at their universal disgust? 'A very worthy friend of mine,' said he, '(Lieutenant Colonel Campbell,) being under orders to go to Jamaica, applied for the rank of Colonel upon that service, but was answered that it could not be granted to him, but it was granted to lord such a one.' 'Very true, but he never had any rank before, and he will only hold it during the war.' The reasoning deducible from this answer is not incurious; and the conclusion is most worthy of remark. Says the Secretary-at-war, he that never served before, and is presumed to be ignorant of the military profession, shall command you that are skilled in the art, during the war, when military abilities are so essentially necessary in command; but make yourself easy about that, for when the war is over, and military skill is become less necessary, you shall command him. The absurdity of this reasoning is only to be equalled by the ingenious finesse which has been introduced by somebody, to obviate the difficulty with respect to officers on half-pay, who consent to a temporary forfeiture of a lieutenant's rank on the old establishment, in order to obtain a company in one of the new regiments. The officer subscribes a paper, by which he engages to give up his rank as a lieutenant for ever; and the Commander-in-chief signs a defeasance at the bottom of it, by which he engages that the officer shall be restored to his rank at the end of the war! He concluded this subject by challenging the Commander-in-chief or the Secretary-at-war to say, whether either of them or whether any one was responsible for the army department.

"It was asserted in the Speech from the Throne, that the nation had to contend with one of the most dangerous confederacies that ever was formed against the Crown and people of Great Britain; and in so perilous a moment the Minister avowed that Government had not a single ally to look to for assistance. But that was not the fault of Administration; it was owing to the ingratitude of the European powers. All America had revolted from us; but that was not the fault of Administration; it was the disloyalty of the colonists. We had lost a considerable part of our West India possessions;* but that was not owing to the indolence of Ministry; it was owing to the activity of D'Estaing, who took them from us! Ireland was in a tumult, and Scotland began to grumble; but our immaculate Ministers were still without blame; the Scotch and Irish were themselves the causes of their own disturbances. This was another mode of reasoning with which Ministers and their advocates insulted the understanding of Parliament.

"The noble lord in the blue ribbon had disclaimed the doctrine held out by the followers of Administration, relative to the King's being his own minister, but yet it was most certain that such a doctrine was daily dispersed by his followers, probably with an intention of paying their court to him, by propagating opinions the most disagreeable to their patron. The doctrine, however, was in itself highly dangerous to the constitution, as it tended to take responsibility from the shoulders of the Ministers, and place it on a personage who could do no wrong, and could not be called to account. However, he would observe, that though, in general, the evils of a reign were attributed to the wicked counsels of an abandoned Ministry; yet, when those evils reached to a certain height, Ministers were forgotten, and the Prince alone was punished. Thus it was with the royal House of Stuart; Charles and his son James had both wicked ministers, to whom, no doubt, the errors of their reigns ought to be chiefly ascribed; and yet they themselves were punished, the one with loss of life, the other of his crown. This should be a lesson to Sovereigns, and teach them to check their ministers, and not suffer themselves to be blindly led by them, as they themselves may, for their ministers, bear the whole weight of their people's indignation.

"There was not, he observed, in the whole history of this country, a period that resembled the present, except the reign of the unfortunate Henry VI. His family, like that of his present Majesty, did not claim the crown as their hereditary right; it was by revolutions that they both obtained it. Henry was an amiable and pious prince; so was his present Majesty: Henry was the son of the most renowned monarch that had ever sat upon our throne; George was the grandson of a hero: Henry lost all his father's conquests, and all his hereditary provinces in France; George had already seen the conquests of his grandfather wrested from him in the West Indies, and his hereditary provinces of America erected into an empire that disclaimed all connexion with him.

"His Majesty had set out in life with the brightest prospects that a young man could have wished for: possessed of immense dominions and the warmest affections of his people, his accession to the crown was completely flattering both to himself and his subjects. How sadly was the scene reversed! his empire dismembered, his councils distracted, his people falling off in their fondness for his person! He said he only spoke within doors the language that was held without: the people were beginning to murmur, and their patience was not unlimited: they would at last do themselves justice: there certainly would be insurrections; and though it was impossible that the calamities that would attend them could be justified, or compensated by any good that could be obtained by them, yet they certainly would take place.

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* Dominica, as well as St. Vincent and Grenada, had been taken from us by the French.

" It was not a secret to that House, that the present Sovereign's claim to the throne of this country was founded only upon the delinquency of the Stuart family; a circumstance which should never be one moment out of his Majesty's recollection. It was true, indeed, that the unfortunate race of that name was universally detested in this country; and therefore his Majesty had little to fear from their pretensions: but he should ever remember that it was the conduct of wicked and ignorant ministers that excited that detestation for them. If there was at this day one of that unfortunate House remaining, what a scope for upbraidings and remonstrance could he not find in the present reign! Could he not say, 'You have banished my ancestor from the throne, and barred the sceptre from all his progeny for the misconduct of his ministers, and yet the Ministers of the present reign are ten times more wicked and more ignorant than those were; and whilst you all agree in giving to your present Sovereign the title of the best of princes, his Ministers have rendered his reign, beyond any degree of comparison, the most infamous that ever disgraced this nation?' The Minister, though with such a load of national censure and national calamity on his head, has the hardiness to boast of his innocence; but it was not a conscious rectitude of mind that could excuse a minister from criminality. What he called innocence might be another name for ignorance; and ignorance in a minister was a crime of the first magnitude. But the wide ruin that the counsels of Administration had spread through this great empire, and the miserable state to which they had reduced it in the short space in which the present Parliament had been sitting, was so far beyond the natural effects of mere ignorance, that he could not help adopting the opinion of his honourable friend (Mr. T. Townshend) that there was treachery at the bottom of the national counsels. The noble lord might flatter himself as much as he pleased in the protection of a majority, or in the security of the law: but when a nation was reduced to such a state of wretchedness and distraction that the laws could afford the people no relief, they would afford a minister who had caused the evil but little protection. What the law of the land could not do, the law of nature would accomplish; the people would inevitably take up arms, and the first characters in the kingdom would be seen in their ranks."

After drawing a picture of the narrow and impolitic system of the present reign, and contrasting it with the freedom and glory of this country in the reign of our great deliverer, the immortal William the Third, he turned his observations to the state of Ireland, which he said at present afforded one of the most critical situations in which the two kingdoms ever stood with respect to each other. Every evil that threatened us from that quarter he imputed directly to the bad policy of Administration last session. He did not mean, then, to offer any opinion upon what steps were proper to be taken in such a crisis. Circumstances were arrived at that nice point, that even the power of deliberation was almost taken away from that House. The situation of affairs was so very delicate, that it was not easy for members to treat the subject in a becoming manner. They were almost as effectually barred from giving a free opinion on the case, as the members of the Irish House, who had the bayonet at their breast, and were sworn by compulsion to vote as the people dictated. But though he would not deliver his opinion in that House, neither should any man know from him then what he thought ought to be done; he would venture to point out three lines of conduct, one of which he was certain must be adopted. England must resist altogether the demands of Ireland, or she must grant them in part or in the whole. If Administration intended to resist their demands, he counselled them for the sake of mercy to do it instantly, and with every possible effort of their force: if they meant to grant the whole of their demands, he as earnestly advised them to do it without hesitation; although he could not but say, that even their readiest compliance would not now be considered as a concession; the refusal of their more reasonable requests in the late session, and the loud voice now raised in that country, would sufficiently mark it with the stamp of necessity.

"If they should deem it proper to grant their demands only in part, he asked if they thought Ireland would now be content with what she asked last session, and which was then fatally denied to her?* As he believed every man in that House would answer the question in the negative, he desired Administration would draw from it this lesson—not to adopt the same little line of conduct that they had pursued with respect to America, and not deny in one session what they offer with additions the year following, yet still continuing to make little bargains until they had nothing left to bargain for." He then appealed to the House upon the propriety of their voting an address of thanks to his Majesty for his "attention to the state of his loyal and faithful kingdom of Ireland," and challenged Ministry to point out a single instance in which that attention had been manifested. "The noble lord at the head of the Treasury could not surely be in earnest when he declared that the American war had nothing to do with the affairs of Ireland. Did not that ill-fated project appear most conspicuous in every circumstance of the present condition of that kingdom? What stripped Ireland of her troops? Was it not the American war? What brought on the hostilities of France, and put Ireland in fear of an invasion? Was it not the American war? What gave Ireland the opportunity of establishing a powerful and illegal army?* Certainly the American war. When he called the associated forces an illegal army, he did not mean to cast any odium upon the associations. He was equally ready to acknowledge the necessity and the merit of the plan: but it was the accursed American war that made that measure necessary, and rendered illegality meritorious.

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* See "Adolph. Hist. of the Reign of Geo. III.," vol. iii., pp. 28 and 29.

"If he might be allowed to hazard a conjecture upon the determinations of Government with respect to Ireland, he thought it might be fair to believe, that they were disposed to make large concessions. The appointment announced that day, of the Earl of Hillsborough to be one of his Majesty's secretaries of state, was the ground of this opinion. It was but lately that his lordship had communicated the thanks of the Irish Parliament to their associated companies; and it was generally said, that he had accepted the office upon the royal promise, that Ireland should have an equal trade. How a certain learned member† (the Attorney-general) could bring himself to support the man whom he had once menaced with an impeachment, he could not easily divine. He was equally at a loss to assign any reason for the supernumerary appointment of another noble earl (of Carlisle) to the Board of Trade. There appeared no reason for increasing the number of commissioners at that board, at a time when the object of its business was not only decreased, but almost totally lost, except the most prodigal waste of the public money. At the same time, he thought it his duty to say, that he entertained a very great respect for that young nobleman's private character, though he considered his public abilities much too highly rated for his years and experience. He remarked how depraved, indeed, that administration must be, when those who had supported them through so many dirty measures, were ashamed to associate with them any longer, and made room for the changes which had happened that day. But it was not by such changes that the nation could be relieved, and its constitution restored. Such changes were but palliatives, and nothing but an implicit compliance with the amendment then under consideration could save us from ruin, restore the empire to prosperity, and add lustre to the Prince on the throne, by making him the happy sovereign of a free and affectionate people."

The question being put on the amendment, the House divided: Yeas, 134; Noes, 233. So it passed in the negative. The original address was then agreed to.

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* Armed corps of volunteers had been established throughout Ireland. "A rumour of French invasion, and the diminution of the national forces by drafts for American service, furnished a motive for these associations."—"Adolph. Hist. of the Reign of Geo. III.," vol. iii., p. 29.

† Alexander Wedderburn, Esq., afterwards Lord Loughborough, and Lord Chancellor of England.

The Earl of Upper Ossory's motion on the discontents in Ireland.*

December 6. This day the Earl of Upper Ossory moved, "That it is highly criminal in his Majesty's Ministers to have neglected taking effectual measures for the relief of the kingdom of Ireland, and to have suffered the discontents in that kingdom to rise to such a height, as evidently to endanger a dissolution of the constitutional connexion between the two kingdoms, and to create new embarrassments to the public councils, by division and diffidence, in a moment when real unanimity, grounded on mutual confidence and affection, is confessedly essential to the preservation of what is left of the British empire." The motion was seconded by Lord Middleton, and supported by Mr. Burke, Mr. Thomas Townshend, Mr. Fox, Colonel Barré, and Mr. Dunning. It was opposed by Sir John Wrottesley, Lord Beauchamp, Earl Nugent, Mr. Dundas, Mr. Macdonald, Lord North, Mr. Welbore Ellis, Lord George Germain, and the Attorney-general.

Mr. Fox rose immediately after Mr. Dundas. It would be a vain attempt to endeavour to follow the honourable gentleman through a speech which took an hour and a half in the delivery, and which was delivered with a rapidity of utterance, a flow of language, and in a strain of oratory rarely equalled. He felt, he said, the utmost indignation at a passage in the speech of the learned member who dared to arraign gentlemen on that side of the House, with causing, by their inflammatory speeches, the misfortunes that this devoted country had felt; and the much greater that threatened them:—he, of all men, whose inflammatory harangues had concurred in bringing Parliament and the nation into those calamities, which he had the confidence to attribute to persons who had all along done everything in their power to prevent the predicted consequences: he, whose inflammatory harangues had led the nation, step by step, from violence to violence, in that inhuman, unfeeling system of blood and massacre, which every honest man must detest, which every good man must abhor, and every wise man condemn: he, who had dealt in nothing but in exaggeration, in the most inflammatory expressions, in incitements to revenge, and the horrid catalogue of monsters which follow in its train;—that such a man dared to impute the guilt of such measures to those who had all along, in each successive step of its progress, foretold the consequences; had prayed, intreated, and supplicated, not only for America, but for the credit of the nation and its eventual welfare; to arrest the hand of power, meditating slaughter and directed by injustice; to reflect a single moment, and, after counting the possible gain, compare it with the certain loss; a loss of national reputation, of national humanity, of national justice, and, in fine, if nothing but interest was to sway the authors of this diabolical scheme, of national interest and national safety. What was the consequence of the sanguinary measures recommended in those bloody, inflammatory speeches? Though Boston was to be starved; though Hancock and Adams were proscribed;* yet at the fee of these very men, the Parliament of Great Britain was obliged to kneel, flatter, and cringe; and as they had the cruelty at one time to denounce vengeance against those men, so they had the meanness afterwards to prostrate themselves before them and implore their forgiveness.

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* "The parliament of Ireland met on the 12th of October, and soon showed that they had received a portion of the general spirit of the nation. They declared, in their addresses to the throne, that nothing less than a free and unlimited trade could save that country from ruin. The addresses were carried up with great parade amidst the acclamations of the people. The Duke of Leinster, who commanded the Dublin volunteers, escorted the Speaker in person upon that occasion; whilst the streets were lined on both sides, from the Parliament House to the castle, by that corps, drawn up in their arms and uniforms. That nobleman had also moved for the thanks of the Lords to the volunteer corps throughout the kingdom, which was carried with only one dissenting voice.

"The associations and people at large, full of anger and jealousy, manifested strong apprehensions of political duplicity on this side of the water; and, perhaps, did not place a perfect confidence in the steadiness or perseverance of their own parliament. They were afraid that they would be amused by fair and empty promises, until they had resigned their power along with the national purse, by granting the supplies for the two following years, according to the customary mode in that country; when being no longer necessary to government, a sudden prorogation would put an end to all hope of, at least, amicable redress, for the present. Under this apprehension, a short money bill, for six months only, by which means Parliament would still continue indispensably necessary to government, became the general cry of the nation.

"As this innovation upon established form and method was strongly opposed, particularly by the court party, the Dublin mob thought it necessary to show their zeal in the public cause; they were accordingly guilty of great and violent outrages, as well in their endeavours to enforce the measure, as in their punishment of the refractory. Although the Irish Parliament used proper measures to express their resentment, and to maintain their dignity upon this occasion; yet many of themselves being inclined to a vigorous proceeding, and the rest borne down by a cry almost universal in the nation, the representatives found it at length necessary to comply, and the Short Money Bill was accordingly passed on that side: a necessity equally convincing, secured the passage of that humiliating and mortifying act in England."—Annual Register.

"Was he who called the Americans 'Hancock and his crew,' to reprehend any set of men for inflammatory speeches? Or had sad experience, though not a real reformation, so far altered his sentiments, that he found it necessary to express himself in more favourable terms of Perry and his crew [The Speaker of the Irish House of Commons]? The softened, guarded language adopted by the learned gentleman, might be easily accounted for. Perry and his crew had used arguments particularly conciliating, convincing, and persuasive, and they were no less powerful. The arguments of Perry and his crew consisted of 42,000 bayonets.

"He would repeat, that this mode of defending administration, by libelling those who differed in opinion from them, was, to the last degree, infamous and contemptible, and, in the particular instance, remarkably so. 'The complaints,' said the learned gentleman, 'have originated on this side of the water, and have been sent over to Ireland.' Was that the case? Most certainly not; the charge was false; he could give it no other epithet. It was false and infamous; it was scandalous. Were there no distresses in Ireland? were there no discontents before gentlemen on this side of the House had spoken on the subject? were there no men of understanding in Ireland? Had there been no pamphlets written in that kingdom, or newspapers published, or essayists, who discussed the subject in print there? If there were, and they had all united in the same opinion, and in much stronger terms than anything which had come from the side of the House on which he had the honour to sit, what would the world think of the man who dared to avow in his place, that the topics of complaint had been suggested by a particular description of men in that House, and from thence had made their way to Ireland? He was ashamed to dwell upon so trifling a circumstance, but he could not help expressing his resentment, when he reflected on the injustice of the charge, and the purposes which it was apparently brought forward to promote. Were there no men of abilities in either House of Parliament in Ireland? Were Mr. Serjeant Burgh, Mr. Grattan, and several other characters equally well known, and when known highly respected, solely governed by what had fallen in debate in that House; or had the distresses of the country created a principle of union, directed to a general redress, which nothing but the native feelings of the Irish nation gave birth to?"

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* In consequence of their resistance to the measures of the British Government, John Hancock and Samuel Adams were excepted out of the offer of pardon, which was made in General Gage's proclamation, to all persons who should lay down their arms and return to the duties of peaceable subjects.

After having having made several pointed animadversions, on what he called the inflammatory part of the learned gentleman's discourse, he endeavoured to trace the origin of all our evils to its grand source, the American war.—" It was that accursed war that had led us, step by step, into all our present misfortunes and national disgraces. What was the cause of our wasting forty millions of money, and sixty thousand lives? the American war! What was it that produced the French rescript, and a French war? the American war! What was it that produced the Spanish manifesto and Spanish war? the American war! What was it that armed 42,000 men in Ireland, with the arguments carried on the point of 42,000 bayonets? the American war! For what were we about to incur an additional debt of twelve or fourteen millions? that accursed, diabolical, and cruel American war!

" He was not present the other evening when a very intelligent and ingenious gentleman below him (Mr. Hartley) had asked the noble lord in the blue ribbon, whether ministers intended to persevere in the American war? He could not pretend to speak with precision, but he was informed that the noble lord answered in the affirmative. It was this accursed war that had already lost us the empire of America. It was this war that caused the disgrace of the British flag, and had already stripped us of some of our most valuable West India possessions.* It was this war that had already rendered us contemptible to all Europe, which caused us to be deserted by our friends and allies, and despised and trampled upon by our enemies. It was this ruinous war that had brought on the distresses of Ireland. It was this war that had obliged the Government here to abandon that of Ireland. It was this war that had consequently armed Ireland, and, in short, induced the people there to associate, in order to defend themselves, as well against their domestic enemies, the Ministers of Great Britain, as their foreign foes.

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* *Vide* notes pp. 42 and 44. The French had captured Dominica in 1778 under the Marquis de Bouillé, and St. Vincent and Grenada in 1779 under Count D'Estaign.

"But to all this I expect to hear the noble lord shortly rise, and say, It was not I that caused America to resist; their resistance was rebellious, and they, not ministers, were the cause. It was not I that brought on the French war; France united with our rebellious subjects. It was France, therefore, that was to blame. It was not I that was the author of the Spanish war; Spain joined France, and it was France and Spain that were to blame." After anticipating for some time the presumed defence the noble lord would make, he then attacked him very severely on account of his obstinacy, indolence, and general incapacity, and adverted to the recent resignation of two great officers of state (Lords Gower and Weymouth). "Was it merely the language of that side of the House, that the ministry were incapable and neglectful, and the minister so habitually indolent and inattentive to the duties of his office, that one of the noble lords alluded to (Earl Gower,) speaking to the very question, which was the subject of the present motion, after declaring that the truth of it was clear to him, added, 'but it is impossible to say what may be deemed a criminal neglect in some men; for some men are so overwhelmed with habitual indolence and inattention, that what may be deemed criminal in others, may only be a mixture of nature and habit in them.' Were the speeches made on that side of the House singular in their tenor from the general opinion which prevailed without doors? He believed not. He was persuaded there was hardly a man out of that House, or indeed in it, however he might vote that evening, who doubted of the total incapacity of ministers. What did the noble lord, whom he had lately alluded to, say in the other House—a noble lord, who lately presided in his Majesty's councils, but 'that he could no longer, having seen such things, remain there with honour or conscience'? Was this the voice of faction, or the random assertions of partial and uninformed men? On the contrary, was it not the candid, explicit declaration of a person who had presided in those councils, who had been a witness to what was every day going forward there, who had yet declared himself of no party; and, speaking like an honest man, spoke out, saying, that, beholding such things as he daily saw transacting there, he could no longer continue a spectator, accountable to his country, his sovereign, and himself, with honour or conscience?

"The learned gentleman had said, that the distresses felt by Ireland were not brought on them by the present ministers, but by the restrictive and other trade laws, passed in this country. As a general proposition, he was ready to admit it in part, though many of the internal grievances, he was ready to prove, originated from government alone; but would the learned gentleman say, that the total loss of the American trade, the most valuable part of the

Irish commerce; the embargo of the only export they had but linen, the increased taxes, and a variety of other causes, had not accelerated those distresses, if not entirely created them? The learned gentleman had industriously endeavoured to show that the present motion was incapable of proof, or so indefinite, as not to admit of it. This was the most strange perversion of reasoning he had ever heard. The proof lay within a very narrow compass .Was not the address of that House, and the King's answer, evidence of the duty imposed upon ministers? Would ministers say, that they had performed that duty? They could not; they dare not. The learned gentleman's fallacious mode of stating the question, evidently involved the grossest absurdity; for the proof was clearly put upon them, that they had discharged the duty so imposed upon them. The *onus* lay upon ministers, to show what they had done in consequence of the address, or if they had done nothing, that they acted to the utmost, as far as circumstances would permit.

"He allowed, however, that it was impossible to prove the proposition otherwise than by proving a negative. He might state which minister advised his Majesty to do this or do that, but it would be an extremely difficult undertaking, to prove who had advised his Majesty to do nothing. Negligence was the most direct negative, and a negative could only be proved by an *alibi*. For instance, if a man was charged with committing a murder at York, he might establish a defence by proving that, at the time the fact was charged to have been committed, he was in London. Let, then, his Majesty's ministers prove that it was not in their power to attend to the affairs of Ireland, because they were busily employed in more essential matters; with the defence, for instance, of Great Britain against the meditated invasion of our foreign enemies; with the naval operations at home; with the war in the West Indies, or the war in America: but if they had been so negligent as to attend to no one part of their duty, and to have done nothing the whole summer, the only defence they could set up was taken away.

"If the censure of ministers should not prove advantageous both to England and Ireland, he wished for no punishment against any of them, which could only originate in resentment or revenge. He wished that punishment to operate as a preventive; for when it was taken up on any other ground than by way of prevention in future, by being rendered exemplary, it most clearly degenerated into personal enmity and revenge. He could say fairly, that he had no enmity whatever to the noble lord in the blue ribbon, nor to any member of administration: what made him so anxious was solely the good of his country. It was the general calamities of the empire that had made Ireland poor; but it was the incapacity and negligence of government, that had rendered her bold and daring. It was, therefore, incumbent upon Parliament, to show their fullest disapprobation of that indolence and incapacity, and convince Ireland that they were as ready as themselves to resent and punish the cruel treatment which they had received from ministers. Ireland would see by such a conduct, that it was not this country but its ministers who were blameable; which would, in his opinion, prove the surest means of once more binding both countries in the most indissoluble ties of friendship and affection. This was the motive which ought to operate with Great Britain at the present minute. It had been frequently urged in that House, that the strength of government had been broken, its measures impeded, and its efforts rendered weaker by the struggles of party. He said, he knew but of two parties in the kingdom. His Majesty's ministers supported by the influence of the Crown, against all Great Britain. These were the two parties. The people formerly divided, perhaps, on points of mere speculation, had at length united; all divisions and subdivisions of men were at length embodied. Experience of what had passed, and the dread of worse that might happen, had melted them into one mass. He was happy to have it in his power to affirm, that the friends of the people and of their country had but one opinion, both in that and in the other House. The first men of rank, fortune, and character, in both Houses, had firmly and virtuously resolved to set their faces against this increasing, this alarming influence of the Crown, and never to co-operate upon any terms with men who did not feel it themselves, but had endeavoured all in their power to render it prevalent and extensive. They had resolved to act in concert, and nothing would ever content them, but reducing the influence of the Crown within due and constitutional bounds. The sense of danger had brought about this coalition; they were the friends of the constitution, the well-wishers of his Majesty, but the avowed and determined enemies of this dangerous influence, which grew proportionally strong as the empire grew weak; and was in a progressive state of increase, as the fame, wealth, and possessions of the British empire were gradually diminishing, and sinking into a state of internal imbecility and external contempt. It was a lamentable contest in which his Majesty was engaged: a contest not with a disaffected party, inimical to his government or family establishment, or who thirsted after power or place; not with a faction who were enemies to his ministers in person, but a contest with the whole body of his subjects, who saw that the further support of such ministers would, if not timely prevented, terminate in the ruin of the empire."

After pursuing a very wide circuit, and taking a transient view of almost every measure adopted since the commencement of the American war; he adverted again to the question, and observed, that such was the miserable dilemma this country was reduced to, by the gross misconduct of ministers, that the British Parliament could not now act upon principles of justice or sound policy with a good grace. The dignity of the British Parliament was gone, and they would be now compelled to grant what would in the end, they foresaw, be extorted from them. He mentioned the circumstance of Mr. Alderman Horan's application at the custom-house of Dublin, to make an entry of Irish woollens for Holland. "What might have been the consequence of the clerk's refusal, had it not been for the temperate interference of the gentlemen who lead the country party in that kingdom? The consequence would have been that Mr. Horan would have shipped his goods for exportation, contrary to several British Acts of Parliament still subsisting; his Majesty's cutters would have seized them, as being contraband; the second edition of Boston violence would have been published, and Britain, at a most critical and tremendous moment, would, to the rest of her numerous and formidable foes, have had Ireland to contend with. This, but for the reason already assigned, the temper and moderation of the leading men in that country, controlling and softening the indignant resentments of their brethren, would have been the consequence of the criminal conduct of those against whom the present motion was directed.

"The Irish Associations* had been called illegal: legal or illegal, he declared he entirely approved of them. He approved of that manly determination which, in the *dernier ressort*, flew to arms in order to obtain deliverance. When the last particle of good faith in men was exhausted, they would seek in themselves the means of redress; they would recur to first principles, to the spirit as well as letter of the constitution; and they could never fail in such resources, though the law might literally condemn such a departure from its general and unqualified rules; truth, justice, and public virtue, accompanied with prudence and judgment, would ever bear up good men in a good cause, that of individual protection and national salvation.

"God knew, that he sincerely lamented the cause which produced this sad, he could not but say, this perplexing and humiliating alternative. He most heartily lamented that any cause had been administered which seemed to justify violence or resistance; he dreaded the consequences, however justifiable in their origin, or moderately or judiciously conducted; but, whatever the effects might be, he was ready to acknowledge that such a power was inherent in men; as men and citizens it was a sacred trust in their hands, as a defence against the possible or actual abuse of power, political treachery, and the arts and intrigues of Government; and when all other means failed, resistance he should ever hold as perfectly justifiable."

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* Lord Sheffield, in his "Observations on the present State of Ireland," published in 1785, gives the following account of these extraordinary Associations:—"It is necessary to notice a phenomenon which now began to appear. The like never has been observed in any country, at least where there was an established government. To describe it strictly, it may be called an army, unauthorized by the laws, and uncontrolled by the Government of the country; but it was generally known by the name of Volunteers of Ireland. Their institution bore some semblance of a connexion with the executive power. Arms belonging to the state, and stored under the care of the lieutenants of counties, were delivered to them, upon the alarm of foreign invasion. So far they seemed to be countenanced by Government, but in a short time they caused no little jealousy and uneasiness. The arms issued from the public stores were insufficient to supply the rapid increase of the Volunteers. The rest were procured by themselves, and the necessary accoutrements, with a considerable number of field-pieces. It answered the purpose of Opposition in both countries to speak highly of them, and the supporters of Government in both countries mentioned them with civility. The wonderful efforts of England in America were somehow wasted to no purpose of decision. American successes inflamed grievances which had been long felt in Ireland. Ireland, in truth, had infinitely more cause for complaint, and had been infinitely more oppressed than America; the latter had never submitted to half the hurtful restrictions in which the other had for many years quietly acquiesced. But now, petitions, remonstrances, popular resolves, and parliamentary addresses were vigorously urged, and in about four years Ireland was happily relieved from many commercial restraints, which should have been removed long before, and gained several other points which she thought essential to her welfare. The Volunteers preserving a degree of reserve and decency, kept at a certain distance, but were never entirely out of sight. They had been serviceable in supporting the civil magistrate; fewer castles, houses, or lands, were kept by forcible possession; sheriffs were enabled to do their duty; fewer rapes and other enormities were committed than usual; and here, if the Volunteers had stopped, and we had seen no more of them after the establishment of peace, their page in history would have been fair and respectable."

Towards the conclusion of his speech he was, for the second time, extremely severe on the noble lord in the blue ribbon as Minister.—"He did not pretend to guess at his plan, but, from past experience, and his general conduct, he had no doubt but what he would propose would be exactly the reverse of everything he had hitherto done respecting Ireland; and he was persuaded, the only chance that the noble lord had of being right was when he departed from, or rather expressly contradicted, his general line of conduct, it being always the fortune of the noble lord to set out wrong, and trust to chance for striking into the right road. He reminded Parliament of what had fallen from his honourable friend (Mr. Burke) and some others, who had spoken early in the debate, that it was the noble lord in the blue ribbon, and he only, in point of real effect, who had prevented the relief intended to be given to Ireland the two preceding sessions, more particularly the last. This he confirmed in the strongest manner, by referring to what had been urged by him on that occasion, and desired the House to recollect what he had then predicted, and what had since literally come to pass, namely, augmented armed associations, sufficiently formidable to dictate to and direct an acquiescing British Parliament."

The motion was rejected by a majority of 192 to 100.

Mr. BURKE's plan of Economical Reform.

December 15. Mr. BURKE briefly opened the outlines of his celebrated plan of economical reform, and gave notice that he would bring forward the business as soon after the Christmas holidays as possible. Lord John Cavendish, Mr. Dempster, Mr. Fox, Mr. Gilbert, and Colonel Barré spoke shortly in approbation of the plan.

Mr. Fox said—"I cannot, Sir, prevail on myself to be entirely silent upon such an occasion as this. I shall, however, trouble the House with but a very few words. I have some knowledge of the plan of my honourable friend; and, in general, it has my hearty approbation. I thank him for the pains he has taken for the public service: I thank him as much for his endeavours to vindicate the honour of this House. I am just come from another place,* where the first men in the kingdom, the first in abilities, the first in estimation, are now libelling this House. Every instance they give —and they give many and strong instances—of uncorrected abuse, with regard to public money, is a libel on this House. Every argument they use for the reduction of prodigal expense—and their arguments are various and unanswerable—is a libel on this House. Everything they state on the luxuriant growth of corrupt influence—and it never was half so flourishing—is a libel on this House.

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* An interesting debate had this day taken place in the House of Lords, on a motion made by the Earl of Shelburne, relative to the alarming addition recently made to the national debt, under the head of Extraordinaries.

"But, Sir, this House will be brought, by proper means, to wipe off all these imputations. The people for a long time have been slow and torpid. The noble lord on the floor doubts whether they have virtue enough to go through with the plan of reformation which my honourable friend has to propose. But the virtue of necessity will animate them at last; and through them will it animate and correct this House. The virtue of necessity—sure in its principle, and irresistible in its operation—is an effectual reformer. It awakens late; but it calls up many other virtues to its aid; and their joint exertion will infallibly bear down the greatest force, and dissipate the strongest combination that corrupt men have ever formed, or can ever form against them.

"There is amongst us but one mind upon the subject. I hope and trust, that no man or description of men, none who look to the public, none who wish the public ever to look up to them, will be so lost to all sense of their own reputation, and to all discernment of their true interest, as at any time, upon any terms, or upon any pretences, to accept of the management of the state, without securing the execution of the plan of my honourable friend, or of one similar to it. If they should do otherwise, let them come into office with what intentions they may, they will sink in character faster than they can rise in power. That very influence, which they are prevailed upon to cherish as their means of strength, will become the source of their weakness. They will find that the influence is not at their disposal. They will find every good design which they may form, traversed and frustrated. This influence will even appear in avowed opposition to them. It will be employed first to embarrass, and at length to destroy them. Whoever wishes for ability to serve their country must get rid of that kind of instrument.

"My honourable friend who spoke last says well, that his duty and allegiance to the king are strong motives with him, for wishing success to this proposition. Certainly they must be so to every good subject. Can the king possibly enjoy the affection and confidence of his people, when his interest is wholly dissociated from theirs, and put upon a bottom perfectly separate? It is but one and the same principle which cements friendship between man and man in society, and which promotes affection between king and subject; namely, that they share but one fortune; that they flourish by the same prosperity; and are equal sufferers under the same distress; that the calamity of the people is the depression of the prince. On any other terms, there can be no sympathy between men in any relation of life. Can anything be more unseemly, more calculated to separate his Majesty from his people, and to alienate his people from him, than to find that when the landed estates are sunk one-fifth in value, when their rents remain unpaid; when manufactures languish and trade expires—and in that condition, burthen upon burthen is piled upon the fainting people; when men of all ranks are obliged to retrench the most innocent luxuries, and even such as were rather grown by habit into a kind of decent convenience, and to draw themselves up into the limits of an austere and pinching economy, that just the beginning of that time should be chosen, that a period of such general distress should be snatched at as the lucky moment for complimenting the Crown with an addition of no less than £100,000 a-year; that the King should rise in splendour upon the very ruins of the country, and amidst its desolations should flourish with increased opulence amidst the cries of his afflicted subjects! It is something monstrous, something unnatural; an outrage to the sense; an insult on the sufferings of the nation.

"I hope, therefore, for the sake of the public, for the sake of all public men, for the sake of the Crown, and for the sake of the King upon the throne, that my honourable friend will add perseverance to the diligence he has already employed in his plan for lessening the public expenses and reducing the ruinous influence of the Crown; and that no time after the holidays will be lost in producing it. He has my hearty approbation, and shall have my warmest support."

Mr. Burke's Establishment Bill.

1780. *March 8th.* Before the order of the day was put for going into Committee on Mr. Burke's celebrated bill "For the better regulation of his Majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient plans; and for applying the moneys saved thereby to the public service," Mr. Rigby, who was, at that time, paymaster of the forces, rose and started an unexpected question, upon the incompetency of the House to enter into any discussion whatever relative to the King's civil list revenue, since it had been settled on his Majesty, at his accession, for life, and was an interest of which he could not be deprived without manifest injustice. The question, whether, according to the order of the day, the House should be resolved into a Committee on Mr. Burke's bill, or whether Mr. Rigby's proposition should first be decided upon, having been put, the resolution for the order of the day was carried by a majority of six only, the numbers having been 205 to 199.

The House then resolved itself into a committee on the bill. When the chairman came to the words in the first clause, for abolishing "the office commonly called, or known by the name of, third secretary of state, or secretary of state for the colonies," Governor Pownall suggested an amendment; observing, that the words were not sufficiently descriptive, for the description should be simply that of third secretary of state. Mr. Burke had no objection to omitting the words pointed out by the honourable gentleman.

He had adopted both descriptions, lest one or the other singly might appear untechnical, or not descriptive of the office, proposed to be abolished. Lord George Germain observed, that the clause as first worded, was not descriptive of the office which he had the honour to fill, for it was neither that of third secretary of state, nor secretary of state for the colonies; but "one of his Majesty's principal secretaries of state." The clause having been amended agreeably to this idea, a warm debate ensued. The clause was opposed by Lord Beauchamp, Mr. Jenkinson, Mr. Dundas, and Lord George Germain; and supported by Mr. Thomas Townshend, Mr. Burke, and Mr. Fox.

Mr. Fox said,—"He should not be deterred by the lateness of the hour from going into the debate. It was on a subject the most important and interesting; and if he should detain the House ever so late, he should not think that he stood in need of making an apology. In the first place, he could not but be surprised to hear so much said against the abstract proposition suggested by a right honourable gentleman (Mr. Rigby), who had so frequently been alluded to in the course of the evening. There was nothing he wished for more than for the House to come to a determination upon that great constitutional question, whether they were competent or not to interfere in matters that respected the King's civil list? It was a point upon which men's minds seemed to dwell, and in the issue of which the whole nation was so essentially concerned, that he could not for one, but wish most heartily to have it before the House in a debatable shape, and decided upon as soon as possible; and, indeed, he should have liked the right honourable gentleman better than he did, he should have thought him more fair, and the justice of the people better dealt with, had he taken a proper opportunity, as he surely might have done, of submitting the question, of which he professed himself so warm an advocate, and not have started it to the House, at a time when he knew it could not be moved regularly, or decided one way or the other.

"But the right honourable gentleman impressed the principle of the resolution he had broached, and the principle was to pervade the whole bill; so that when any clause came under discussion, it was to operate against it, as if the principle really had been accepted of by the House. Gentlemen did not like abstract propositions, and a noble lord (Beauchamp) reprobated speculative questions, because they did not like unparliamentary proceedings, and because those questions were only made for the purpose of being spread abroad to let the public know what the House was doing. Was it possible to conceive anything more shameful and absurd! For his part, he declared, and he took a sort of pride in declaring it, that he wished to have those very abstract propositions decided, and that for the purpose of letting the people of England know what they had to expect; and he was resolved to use every means in his power that the public might know what the House did, and what the members individually did, in order that the people might understand properly, as they ought to do, who were to be trusted, and who were not. But gentlemen shrunk from the proposition respecting the King's civil list; they were afraid to meet it; and even the boldest of the ministerial phalanx were afraid to hazard it, though some of them had not scrupled to adopt the principle, and to support, in their speeches, the proposition that the House had no right to interfere in it. Good God! had he been asleep! how had he been lost to himself! to what little purpose had all his education, his knowledge, and his experience been attained, if that was really the fact! But, surely, it would never be a doctrine established in that House, that the King was to be uncontrolled in his civil list! Did men know what they were asserting, when they held such language? Did they really see no danger in it? Or were they so truly ignorant, or so lost to the will of others, as not to know, or knowing, not to stand up and fairly tell the House that they were competent to the purpose, and that the King was only a trustee for the people, and liable to have his accounts inspected by Parliament? Had not such a practice been the uniform practice of Parliament? How was it with James the Second? Had not that unhappy king, who preferred a wretched, miserable pension from the court of France, to the law of his subjects on constitutional grounds, his whole revenue taken from him?

"He was amazed to hear any opposition made to so plain an axiom, a power so rooted in Parliament. For, had the present King any hereditary right? Parliament, indeed, had made him the successor to the throne, but hereditary right he had none. He was, as an honourable friend near him (Mr. Burke) had declared, the mere creature of the people's instituting, and held nothing but what he held in trust for the people, for their use and benefit. Could gentlemen, then, think so absurdly as to conclude, that the King's civil list revenue was given to his Majesty to expend just as he should think fit? No, it was given him for the service of the public; and the people's representatives had at all times a constitutional authority to inquire into the expenditure of that allowance, to reduce it, and, indeed, to take the whole of it, or, in other words, to resume the whole of it into their hands again whenever the abuse of it, or the exigencies of the times, should require it. The King, it was true, was the sovereign of the people, but the King was to hold the crown only as long as the people should choose. This, he trusted, he might advance without offence. He felt himself warm, and he knew it. But he trusted he was neither unparliamentary, nor disorderly. He again asserted that the King was no longer king than while he should be found to wear the crown for the good of his people, for that all power lodged in the Crown, or elsewhere, could only centre in one great and fundamental point.

"It was a certain maxim, however, laid down, and there were those preposterous enough to support it, that touching the King's civil list would be meddling with private property. This he absolutely denied. But, admitting for a moment the fact; was not that often done, when the good of the public called for such a sacrifice? In making turnpikes and new roads, was not private property meddled with; and did not Parliament do it every week in the course of the session? And why was not the private property of his Majesty, if the King's civil list really was private property, to be curtailed, when the necessities of the state called upon Parliament to do it?

"The influence of the Crown had been said to have arisen, not from any increase of the civil list, nor an improper use of it, but from the large augmentation of the navy and army; and gentlemen were not, with a candour he did not wish to imitate, to ask the side of the House on which he ranged, why they would attack the civil list to reduce the influence they complained of? He was aware of the subtlety of the reasoning, and was ready to meet it. The naval and military arrangements, however extensive, were insisted upon as necessary. They naturally brought a prodigious influence with their establishments, and yet they were not to be lessened. How, then, was Parliament to check the influence of the Crown? Not by reducing the navy or the army, for they were requisite and natural influences. What way, then, was there to narrow that influence but by striking off part of the civil list? Parliament had no other way of doing it, they had no alternative; they were to reduce the influence in a manner within their power, and they had no other mode of getting at it but through the civil list.

"An honourable and learned gentleman (Mr. Dundas) had denied the influence of the Minister to be greater than heretofore, because his majorities in Parliament were not larger than the majorities of other Ministers. The majorities of the present Minister were become very small indeed, but the learned gentleman did not see the true cause. It was not because the Minister used less influence than he had done, but because gentlemen saw better than they used to see; and if he was to estimate the degree of corruption and influence of the Minister, by the size of his majorities, he was inclined to believe that he would soon have reason to think him very virtuous and poor indeed. If, however, the learned gentleman meant, when he said the Minister used no influence, to confine it to his conduct of the present day, he would cordially agree with him, for he had, indeed, used none. When the right honourable gentleman near him (Mr. Rigby) threw out his favourite proposition, that the House could not interfere with the King's civil list, the noble lord used no influence to make the House accept it. No, the Minister shrunk back to his native modesty, and left the House to their own choice. Nay, the right honourable gentleman himself, who wishes so ardently to put the question, had exercised as little of his power. Though he wanted the question put, he had used none of his influence; he had left his friends and relations to themselves, and to vote for the order of the day, by which the possibility of putting his resolution was all at once done away. Even the right honourable the deputy-paymaster (Sir T. Caswall) had at length voted against him, and yet so little disposed was he for using any influence, he dared to swear he would readily forgive him. He trusted he should not find him turned out of office for it, but that the thing would be considered with all that perfect candour, liberal sentiment, and ready reconciliation, so congenial to the right honourable gentleman's mind.

"But, to speak seriously, was there really no undue or unconstitutional influence? Was there not a monstrous influence that pervaded every department of the state? How happened it, that such a scandalous dismission had taken place of the lords lieutenants? Had not the influence of the Crown been harshly used in that respect? The noble Marquis of Carmarthen and the Earl of Pembroke had their lord-lieutenancies taken from them, and for what? Why, because the noble marquis had written his sentiments on the York petition, and the other noble peer had presumed to vote agreeably to his conscience in Parliament!* In time of peace some reason might be offered, or some pretext set up for the removal of lords lieutenants, but to make such dismissions when we were at war, and the militia might every day be wanted for service, and to make noblemen of the first and oldest families in the kingdom the objects of such dismissions, was, in his opinion, a plain and open indication that the army was to be employed in a way in which it ought not to be employed.

"Some gentlemen had asked, was there any proof to be adduced that there really existed any undue influence of the crown? As to proving an undue influence of that kind, were gentlemen in earnest when they called for proof? How was the influence of the crown to be proved? He had almost made a blunder, for he was going to say, that the influence of the crown showed itself only in the dark, or it appeared so rarely in the light, that it was not one of those things so capable of proving any otherwise than by the notoriety of the fact.

"He would now apply himself more immediately to the question under consideration; and he wondered much that some gentlemen should make it a ground of objection to it, that it was unfair, taking it for granted that a reform was necessary, that the king's civil list should be attacked in the first instance. Good God! how could such assertions escape men who valued at all their candour and their understanding? Had not Opposition endeavoured by every means in their power to retrench the public expense? Had they not attempted over and over to stop the present unnatural war against America, or, if it was to be continued, to withdraw our troops from thence, so that they might be employed where they were really wanted, and an immense load of debt thereby avoided? It had been said, too, what new oppressions or injuries do you feel? Was it possible for such a question to be coolly stated? Was the loss of America nothing new? Was the loss of our West India islands nothing new?* Had we no new taxes? And were not all these things new injuries and oppressions?

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* The Marquis of Carmarthen was dismissed from the lord-lieutenancy of the East Riding of Yorkshire for having expressed his approbation of a petition which was presented to the House of Commons on the 8th of February, 1780, from the freeholders of Yorkshire, praying the House to inquire into and correct the gross abuses in the expenditure of public money, to reduce all exorbitant emoluments, to rescind and abolish all sinecure places and unmerited pensions, and to appropriate the proceeds to the necessities of the state. The Earl of Pembroke had the lord-lieutenancy of Wiltshire taken from him for having voted in favour of Lord Shelburne's motion on the 8th of February, 1780, for a "committee to inquire into the public expenditure."—Annual Register, vol. xxiii., p. 100, *et seq.*, and pp. 129 and 130.

"With respect to the office of third secretary of state, it surely ought to be abolished. Not one single argument had even been attempted to prove that there was any utility to arise from continuing it. If, indeed, only £4,500 would be saved to the public by taking away the office, that was, in his opinion, no reason why it should not be done. The same objection might be brought against every clause in the bill, if it was to be admitted as an argument against it, that it was only to save such a specific sum of money: £4,500 taken by itself, was, perhaps, not so great a sum; but when a number of those sums were added together, they would amount to a very great sum total, and it was in the aggregate, that the reform in the public expenditure was proposed in the bill before the House. It was not by abolishing the office of third secretary of state that they should save so much money, but by striking off so much of the influence of the crown, which was, and ought to be, the primary object before them.

"And now he would ask the House, if the King's civil list allowance was not to be proportioned to the situation of the times? If the House had now to fix the amount, would they give his majesty so enormous a sum as £900,000 a-year?† Would any gentleman, even for the sake of argument, for it could be used for no other end, venture to contend, that the civil list should be disproportioned to the ability of the public? Indeed, it had been pretended that £900,000 was now no more than equal to £700,000 in the reign of King William, but he reprobated the computation as idle and fallacious. The price of provisions, it was true, was higher now than then; but did the price of provisions affect the royal household so materially? He wondered it should be touched upon; but admitted the fact, namely, that £900,000 was now no more than what £700,000 was. But was this reign like King William's? Parliament, indeed, allowed that glorious prince an ample income; but had he not occasion for their liberality? Good God! was this reign to be compared with the reign of that glorious and puissant prince, who had such just and extensive wars upon his hands; who was engaged in great and noble undertakings, and while he had the state at home to settle and adjust, was forming the most valuable alliances with foreign powers?

"The civil establishment for the present King had been, indeed, most liberally considered by parliament upon his accession to the throne. They held him, as he professed himself, a free-born Briton, and made him a settlement equal to the predilection they had formed in his favour. They took for granted everything he promised, and did not know what he really meant. They had not the least suspicion of the system by which his government was to be regulated, and did not know those calamities and miseries they were about to experience from an American war. Parliament little expected what they have since so badly relished. But great as the sum of £900,000 is, with what sort of face is it that even that is the King's civil list? Does he not come to parliament time after time praying them to pay off what he is in arrear? Are not the debts of the crown, even in this gigantic, overgrown allowance, as regularly voted as new taxes? Even at present, the civil list, he understood, was behind-hand no less than three quarters, so that another application for paying off the debts of the crown might soon be expected; nay, a noble lord had openly said, that the King's establishment would want a still further increase as the branches of the royal family grew up.*

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* *Vide* note p. 50.

† On the accession of George III., the sum of £800,000 was granted by parliament for the support of the civil list. In the course of a few years, however, a large amount of debt had accumulated in this department, and to pay it off, two sums, amounting to upwards of £1,100,000, were granted by parliament in 1769 and 1777. In the latter year also the civil list revenue was increased to the sum of £900,000.—Sir John Sinclair's History of the Revenue, vol. ii. p. 79 *et seq.*

"In order to show that the House had no right to interfere with the civil list, the same noble lord had asked him, what right he had to question him about his style of living? As the case stood at present, he would readily allow him, that he had none. But if he was living beyond his income, and he was to pay his debts contracted thereby, he should think he had a just right to inquire into his conduct, and to say, you surely might lop off this or that article of extravagance. And how, otherwise, did the Opposition mean to deal with the King? And yet any strangers present, to hear the arguments used by the ministerial side, would conclude, that the House was moved to take away the King's private purse, and not reduce the civil list, the allowance of which was only granted to him by parliament, in trust for the people, for their use, and not for his own private occasions, to do with it just as he might choose.

"That the motion before the committee was perfectly agreeable to, and in support of, the petitions of the people of England, he strongly contended. They prayed for a diminution of the influence of the crown, and the abolishing of one of the secretaries of state tended directly to that point. In support of the motion itself, he thought everything might be said, that need be said. Experience was better than theory, and it had been proved, that two secretaries of state were sufficient, for Lord Suffolk had been dead nearly twelve months, before a person was appointed to succeed him.

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* Debts due on the civil list were again paid in 1784 and 1786, to the amount of £270,000. According to the report of a committee of the House of Commons which sat upon the subject of the civil list in 1802, the total average annual expenditure in that branch since 1786 had been £1,000,167. At this time another sum of above £990,000 was voted by parliament to discharge debts due on the civil list; and by 44 Geo. III. c. 80, the civil list revenue was raised to £960,000. Civil list, as the words imply, was formerly the name given to the list of all the expenses pertaining to the civil government of the country. But the plan of separating the expenses of the royal household from the other charges of the civil government was adopted at the accession of his late Majesty William IV., and continued when her present Majesty succeeded to the throne: so that what is now called "the civil list" has no proper claim to that title.

"He was sorry the minister and his friends were afraid to meet the question, whether the House had a power to control the civil list or not? Though, should they put it, he should not think himself bound to acquiesce in it. He would resist it to the utmost of his power. He trusted he did not speak disorderly, for parliament had not said anything like it. If they should at any time, he should conceive the compact between the King and people totally broken, and this country reduced to the most downright despotism that could be brought to practice. In such a case, he would not say what he would do, but he should not think parliament a place in which he should be able to serve the people, who knew, he trusted, that they were not born to be slaves."

He alluded, in very strong terms, to an honourable and learned gentleman (Mr. Mansfield) amongst others, who were sometimes standing forth as advocates for the crown, and sometimes for the rights of the people. He exclaimed, in the genuine warmth of patriotism, against the pretence that parliament was bound at the period of the Revolution not to interfere in the expenditure of the King's civil list, which he called a new and damnable doctrine, and infamous to a degree, he meant as far as it argued, and not personally, to the right honourable gentleman who had that day ventured to advance it. He plainly saw it was the intention of ministers to treat the petitions with contempt, and to irritate the people of England to acts of violence; but he trusted they would avoid them, for he hoped there were sure and certain constitutional means by which they could relieve themselves, and punish the authors of their calamities.

"Could he possibly be brought to think, that the Revolution had established so vile a maxim, as that the King's civil list was to be used independent of parliament, or that parliament was to be precluded from controlling the power of the crown in all cases whatsoever, he should think that he, and all the people of England, were bound to curse and execrate the Revolution. But did he think so absurdly of the Revolution? Could any one think so absurdly of it? How shamefully was the Revolution libelled and traduced! He had sometimes heard, that a rebellion tended to strengthen the hands of government. He was now convinced it was a very possible case; for if the maxim, that the House really had no power over the civil list, should be established, a rebellion, and nothing but a rebellion, could possibly save the constitution, and restore it to that state from which the establishment of so vile a doctrine would inevitably reduce it. But why would not the ministry stand forth, and fairly try the question? The friends of the constitution were ready, were waiting anxiously to combat it. But the minister, though he would persist in prejudicing the House with the principle of it, shrunk back, in a dastardly manner, and loathed the question in a debatable shape. For his part, he liked that kind of conduct worse than the right honourable gentleman's, for he did not skulk behind his partisans, but came boldly forth, in an open, manly manner, and he liked the person that was honest enough to come out in the day-light, and attack him at once unmasked. He declared, however, that should the question be ever put and carried, he would alone contest it, and seek some other place in which he would endeavour and hope to serve his country.

The clause was rejected by a majority of 208 to 201.

November 1. The King opened the New Parliament with the following Speech to both Houses:

"MY LORDS AND GENTLEMEN,—

"It is with more than ordinary satisfaction that I meet you in Parliament, at a time, when the late elections may afford me an opportunity of receiving the most certain information of the disposition and the wishes of my people, to which I am always inclined to pay the utmost attention and regard.

"The present arduous situation of public affairs is well known; the whole force and faculties of the monarchies of France and Spain are drawn forth, and exerted to the utmost to support the rebellion in my colonies in North America, and, without the least provocation or cause of complaint, to attack my dominions; and the undisguised object of this confederacy manifestly is to gratify boundless ambition, by destroying the commerce, and giving a fatal blow to the power of Great Britain.

"By the force which the last Parliament put into my hands, and, by the blessing of Divine Providence on the bravery of my fleets and armies, I have been enabled to withstand the formidable attempts of my enemies, and to frustrate the great expectations they had formed; and the signal successes which have attended the progress of my arms in the provinces of Georgia and Carolina, gained with so much honour to the conduct and courage of my officers, and to the valour and intrepidity of my troops, which have equalled their highest character in any age, will, I trust, have important consequences in bringing the war to a happy conclusion. It is my most earnest desire to see this great end accomplished; but I am confident you will agree with me in opinion, that we can only secure safe and honourable terms of peace by such powerful and respectable preparations, as shall convince our enemies that we will not submit to receive the law from any powers whatsoever, and that we are united in a firm resolution to decline no difficulty, or hazard, in the defence of our country, and for the preservation of our essential interests.

"Gentlemen of the House of Commons,—I have ordered the estimates for the ensuing year to be laid before you. I see and feel, with great anxiety and concern, that the various services of the war must, unavoidably, be attended with great and heavy expenses; but I desire you to grant me such supplies only, as your own security and lasting welfare, and the exigency of affairs, shall be found to require.

"My Lords and Gentlemen,—I repose an entire confidence in the zeal and affections of this Parliament, conscious that, during the whole course of my reign, it has been the constant object of my care and the wish of my heart to promote the true interests and happiness of all my subjects, and to preserve inviolate our excellent constitution in church and state."

November 6*th*. An Address, adding the usual re-assertion of all the propositions contained in the above speech, and such compliments as the events of the day suggested, was moved by Mr. De Grey, and seconded by Sir Richard Sutton. An amendment was moved by Mr. Thomas Grenville, and seconded by Colonel Richard Fitzpatrick, proposing to leave out the whole address, excepting the complimentary part, and to substitute in the place of the subsequent clauses these words, "That in the present arduous situation of public affairs, we think it an indispensable part of our duty, to make those spirited and vigorous exertions which such a conjuncture demands; and that we beg leave to assure his Majesty, that we are united with a firm resolution to decline no difficulty or hazard in defence of our country and for the preservation of our essential interests." The amendment was opposed by Mr. Pulteney, Sir Horace Mann, Mr. Welbore Ellis, and Lord George Germain; and supported by Mr. Thomas Townshend, Mr. Fox, Admiral Keppel, General Smith, and Alderman Newnham. The friends of administration inferred topics of consolation from the heterogeneous combination of France and Spain with America; the impossibility of cordiality in such a union, or of happy results to a cause supposed to be that of liberty and the Protestant religion, when protected only by bigoted Catholics, and powers from whose vocabulary the word freedom was expunged. It was represented as a great advantage that England was without allies; since no league against a power compact within itself, and combining its energies by unanimity of council, had ever yet been crowned with success. The contest with America was represented as more prosperous than at any previous period since the convention of Saratoga. General Smith denied the assertion: the circumstances of the country, he said, were infinitely worse; and, since the affair of Trenton, every military man had clearly discerned that all attempts to subdue America were fruitless prodigalities of blood and treasure.

Mr. Fox rose as the question was about to be put; and, in a speech of considerable length, went over the whole ground of complaint which had been urged by Opposition against the King's servants, as well respecting the conduct of the American war, as with regard to a great variety of other topics.

He began with observing, that "the amendment moved and seconded by his two honourable friends, had been very ably supported by them; and that no answer whatever, at least nothing like an argument, had been advanced against it. The best thing that had been attempted to be urged in support of the address, was what had fallen from the right honourable gentleman over the way (Mr. W. Ellis), namely, that it was something like the amendment. That, however, certainly was not a sufficient reason to induce the House to prefer the address to the amendment, if they meant to convince the people at large that they were governed by reason and fair argument, and not by private motives, and that undue influence, which the last Parliament, almost in its last moments, had declared 'had increased, was increasing, and ought to be diminished.' The address, he said, it was true, did not directly pledge the House to go on with the American war, but, considered altogether, it amounted pretty nearly to that idea. Ministers had thought poper to word it differently from the address agreed to by the other House on the 1st instant. The lords, in their address, had expressly declared their readiness to go on with the war. Ministers had shown so much deference to that House, that they had not in the address which had been then read, pledged the House directly; but then gentlemen would observe, that, in a subsequent paragraph, the matter was brought in; and upon the whole, there was sufficient cause for suspicion and distrust, sufficient cause to fear that Ministers meant to plunge this country deeper in ruin, than they had already sunk it, by a continuance of that mad war.

"With regard to the King's speech, which, for the sake of freedom of debate, was properly termed the speech of the Minister, was there in it one gleam of comfort, one hope, or the least prospect, of better conduct in the King's servants? Did it not begin with assuring Parliament, that his Majesty wished to know the sense of his people, and in the same paragraph, did it not contain the greatest mockery and insult upon the people, by telling them that his Majesty hoped to receive the information he wished for through the medium of the late elections? Were those elections free? Was the dissolution previously announced—the time of it properly chosen? He hoped to God this circumstance would become the subject of an inquiry in that House, and that it might be known which of the King's servants it was, who had dared to advise his Majesty to dissolve his Parliament just when the dissolution took place: a time when most gentlemen were taken by surprise.* To him, indeed, it had no such effect: he had long accustomed himself to watch the measures of administration, he knew the Ministers thoroughly, he understood their designs, and he was aware, that if one moment was less propitious to the people, and to the freedom of election, than another, that was the moment most likely to be chosen by them for the dissolution of Parliament. He had, therefore, expected it even before it happened, and he should not have wondered if it had taken place in the midst of the harvest. As it was, it took place when the majority of that House, especially of those who had uniformly opposed and reprobated the mad and destructive measures of Ministers, were in camp, and at a considerable distance from the places they represented; so that instead of consulting the wishes of the people, instead of rendering it as little injurious to the internal peace and quiet of the kingdom as possible, Ministers had taken pains to render the dissolution of Parliament as calamitous an event as could have happened.

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* The proclamation for dissolving Parliament was issued on the 1st of September, 1780.

"As to the beginning of the address, he said, he had no objection to congratulate his Majesty on the increase of his domestic happiness.* Long might his domestic enjoyments continue to increase! They were the only enjoyments his Majesty possessed. Unfortunate in every other respect, unfortunate abroad, and unfortunate in the conduct of civil affairs at home, he was happy in domestic life; and on this happiness in his family he would congratulate his Majesty sincerely. But at the present moment of embarrassment and distress, when the brightest jewel was torn from his diadem, when America was dissevered from the British empire, never to be re-united; when discord and dissension raged among those parts of the empire which yet remained, but which seemed prepared for revolt, to approach the throne with congratulatory addresses, was not loyalty, but cruel mockery and insult. But what said the honourable gentlemen over the way? 'Will you refuse to acknowledge with gratitude the blessings we enjoy under his Majesty's Government?' How long," replied Mr. Fox, "shall the sacred shield of majesty be interposed for the protection of a weak administration? This word majesty was a kind of 'hocus pocus' word, which was turned into all shapes, and made subservient to every legerdemain trick, and every illusion which convenience dictated. If by the 'blessing of his Majesty's Government' were understood his Majesty's virtues, he was ready to acknowledge his Majesty's personal virtues with respect and with reverence. But if by the blessings of his government he was to understand the acts and projects of his Majesty's Ministers, he detested and reprobated them. The present reign had been one continued series of disgrace, misfortune, and calamity. What blessings were we called upon to recognize in the address? First, the happy effect of this new Parliament, in giving his Majesty an opportunity of knowing the sentiments of his people. As an honourable friend of his had asked, was there no trick, no deceit used in order to garble a new Parliament? In words, Ministers disclaimed the abridgement of the duration of septennial Parliaments; in actions they approved it. He did not expect ever to see a septennial Parliament die a natural death. Six years ago he had the honour to sit in that House, when the subject of debate was precisely the same that it was that night, namely, the justice and expediency of prosecuting the American war; and he made no doubt, but that if he should have the honour to sit in the next Parliament six years hence, at the opening of it, the same subject would be under discussion. It would have been presumption in him to have made such a prediction six years ago, and nobody would have credited him. Past experience now made it no longer so, and therefore he scrupled not to prophesy, that if the war was continued, its propriety and its expediency would be the subject of discussion on the first opening of the next

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* The event alluded to was the birth of a prince on the 22nd of September preceding.

Parliament. What had we gained by the American war in that period? We had exchanged Boston for New York, and Philadelphia, the capital of Pennsylvania, for Charles Town, the capital of South Carolina. Oh! but we had gained of late a most signal victory at Camden. Generals Gates and Sumpter had been routed by Lord Cornwallis and Colonel Tarleton.* These victories were but omens and forerunners of greater ones. Such was our sanguine expectation, when in the beginning of the war the British troops defeated the Americans on Long Island. The success of Brandywine† was to be followed by the immediate reduction of the provinces, and not a rebel was to be seen in all the continent of North America.

"The taking of Ticonderoga was a splendid affair;‡ and that, too, was to be followed by the most important consequences. The event perpetually belied our sanguine predictions, yet now, with all our experience, we talked of following up with alacrity our late victory in Carolina. That victory was a glorious one, he readily allowed, to the general officer, and all the officers and British troops who gained it; but the glory of that victory was due to the army only, and the disgrace of reducing Lord Cornwallis to that dangerous situation which made his victory a miracle, was the Minister's. The only fruit of the reduction of Charles Town, was the dangerous situation that led necessarily to the engagement. The success of that engagement was owing to the army. That affair seemed farther alarming to him in another point of view. It was a proof that the majority of the Americans were not, as had been said, friendly to this country; but, on the contrary, that they were almost unanimously attached to the cause of Congress. For no sooner did General Gates appear among the Carolinians, than those very men flocked to his standard, who had taken the oaths to our Government, carrying along with them, the arms that had been put into their hands by our general, which reduced Lord Cornwallis to the cruel necessity of putting them to death, and rendered that a necessary measure, which all who knew Lord Cornwallis, knew must have given him infinite pain. Hence he argued that every gleam of success had been the certain forerunner of misfortune. The loss of the whole army followed the capture of Ticonderoga; the evacuation of Philadelphia followed other success; and no sooner did we hear of the surrender of Charles Town to his Majesty's arms, than we prepared to receive intelligence of some new disaster; and a very short time afterwards, news arrived of the loss of Rhode Island,* which he was warranted to say was the only good winter harbour in all America.

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* As to the retreat from Boston, the taking possession of New York on its evacuation by the Americans, and the removal of the British troops from Philadelphia.—*Vide* notes, pp. 18, 19, and 27. For an account of the siege and capture of Charles Town, see Adolphus' History of the reign of Geo. III., vol. iii. p. 158 *et seq.* The battle of Camden, in which Lord Cornwallis defeated General Gates, took place on August 16, 1780. The victory was rendered complete by the surprise of Sumpter whom Tarleton overtook at Catawba-ford.

† Washington, suspecting that Sir W. Howe aimed at the acquisition of Philadelphia, marched against that general, and, with an inferior force, hazarded a battle on the banks of the Brandywine. About 1250 of his men were killed, wounded, or made prisoners. Philadelphia shortly afterwards fell into the hands of the English. The celebrated La Fayette, then a young man, had recently entered, as a volunteer, into the American service, and distinguished himself by his gallantry at the battle of Brandywine.

‡ On the evacuation of Ticonderoga by the Americans, in July, 1777, General Burgoyne took possession of it, but it was abandoned by the British in the month of September following.—Holmes' Annals of America, vol. ii., pp. 269, 275.

"Not that he meant to contend, that no advantage was to be derived from the late success obtained by the wonderful good conduct and gallantry of Lord Cornwallis. Great advantages might be derived from it; it might be made the foundation of an honourable and happy peace. Let Ministers but seize and improve the advantage, and they would deserve the thanks and applause of their country. But had they given us any hopes of it? On the contrary, did not the address now moved for, prove to the conviction of this House, that they meant to pursue the war; they dared not give it up; the unpopularity of it was their security; that, and that only, kept them in their places. An honourable friend of his, who moved the amendment, had said, we had fought bravely, we had exerted our vigour, but still our exertions had produced no essential advantage. Other gentlemen had praised the efforts which this country had made in the course of the war, and had argued well from that circumstance, declaring that we had astonished all Europe by our exertions. It was most true. The war was begun madly, the Ministers had made war blindfold, and the efforts of this country so directed, and so planned, like the efforts of a madman, which were always more powerful than those of a reasonable being, had astonished all Europe. But what good had they done? They had only weakened and reduced our resources. They had exhausted the spirits of the people, and had almost annihilated the power of future exertion. An honourable gentleman had said, that it was improper to term the war unjust, excepting only within those walls: he must beg leave to differ with him in opinion. He thought the war unjust, he had said so repeatedly in that House, he had said so elsewhere, and he would say so whenever and wherever he had the opportunity. He would say so to the whole world, if his voice had power and extent enough to communicate the idea. But according to the argument of the honourable gentleman to whom he was alluding, what was unjust in its origin became just in its advancement and prosecution. The honourable gentleman thought now he had got justice on his side, that he had got all. Did the honourable gentleman think that the Americans, once driven by our injustice to assert their independency, ought, in justice, to relinquish that independency, and to alter their established government, and rely on our word for the performance of our promises?

"With regard to the argument of another honourable gentleman (Sir

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* Rhode Island was evacuated by the British troops under an apprehension of an attack upon it by sea and land by Count D'Estaing and General Washington.—Annual Register, vol. xxiii., p. 216.

Horace Mann), that, without an ally Great Britain had an advantage over a confederacy; if that doctrine were true, Great Britain was the most flourishing nation in the world. The reasoning of his honourable friend, from whom he was sorry to differ in opinion on the present point, from the League of Cambray,* was certainly far from being conclusive. For Venice had been left in the circumscribed situation to which nature had limited her, according to his own words, and such would be the fate of Great Britain: a situation to which it was the express object of the powerful confederacy of France, Spain, and America, to reduce her, as his honourable friend on the floor had very properly and truly stated. The grand alliance,† in the reign of Louis the Fourteenth of France, had not indeed been so successful, on account, he would say, of the impolicy of England, as might have been expected; but it gave a check, a wound, to the growing power of France: a blow from which nothing but the wretched conduct of such a Ministry as ours could have recovered it. It was common danger and distress that chiefly endeared nations, as well as individuals, to one another; and this tie, for the present, united the French and Americans in the closest friendship. But if we held out to the Americans something that might be a separate interest, and that might be a security to them, by removing the common danger, we should dissolve the friendship, and have a chance of treating with her.

"The honourable baronet who seconded the address, had talked of the good faith of America being plighted to France, and had argued that her obligations to her ally would render her unwilling to treat separately, and that, therefore, there were no hopes, but from a vigorous war carried on against her as well as against the House of Bourbon. Now, had he held this language himself, and dwelt so much on the good faith of America, it would have been in all the papers to-morrow or the next day, that he was a friend to American rebellion and to the enemies of this country! But, without ascribing to the Americans any extraordinary degree of gratitude or perfidy, and considering them merely as men, whose conduct would, like that of other mortals, naturally be governed by a mixture of both reason and passion, he thought they might be detached from the cause of the House of Bourbon, by omitting to pursue offensive hostilities against them. What would be the consequence of withdrawing the troops from America? American independence, undoubtedly. This would be the means of obtaining peace. If the American war could be given up without her being independent—let ministers do it; but they could not. They were, therefore, wasting the blood and treasure of this country, without an object.

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* The League of Cambray was signed on the 10th of December, 1508, between the Pontiff Julius II., the Emperor Maximilian, Louis XII. of France, and Ferdinand of Arragon. Its object was to overwhelm the republic of Venice.—See Sismondi's Hist. of the Italian Republics, p. 304 *et seq.*, and Guicciardini's Hist., lib. viii.

† The objects of the treaty of the Grand Alliance concluded on the 7th of September, 1701, between the Emperor Leopold, William III., and the States General were to procure satisfaction to the Emperor in regard to the Spanish succession, and sufficient security for the dominions and commerce of the allies, as well as to prevent the union of the monarchies of France and Spain, and the French from obtaining possession of the Spanish dominions in America.—Smollett's Hist. of England, vol. i., p. 369.

" He repeated the argument, that the ministry had perverted nature, and by their singular ill-conduct of the war, had given France all the advantages of an island, and had reduced Great Britain to the inconveniences of a continent. We were, he said, at a hundred times more expense in our American operations than they were; and we might carry on the war with greater success, by calling all our forces from America, and pouring them into the French settlements. As it was said in the last war, that France was conquered in Germany, so, if ever America was to be conquered, it must be conquered in France.

" Gentlemen," he observed, " had used a great many hard words respecting France. He saw no great harm in it, though it could not answer any very good purpose. It served, however, to bring an old saying to his mind; and old sayings sometimes contained such strong truths that they would occasionally obtrude themselves on men's minds. The old saying he alluded to, was this: ' Let us not rail at Alexander, but let us beat him.' That was exactly his feeling with regard to the House of Bourbon. He was for beating France rather than for railing at her; and, as he thought the best way to do that effectually, would be to pursue the war with America no longer, he was for turning the arms of this country solely against the House of Bourbon.

" The honourable gentleman who moved the address, had bestowed a particular commendation on a long list of officers:

' Quem virum aut heroa lyrâ vel acri
Tibiâ sumes celebrare?'

above all, he had praised the valour and conduct of Earl Cornwallis, who, he was ready to own, deserved the highest applause. But a right honourable gentleman had asked, would gentlemen refuse to thank Lord Cornwallis and his officers for their extraordinary gallantry at Camden? In answer to that question, he for one, made no scruple to declare, that he most certainly would. He would not thank his own brother, who was now serving in America, for any success he might obtain. As long as he lived, he never would join in a vote of thanks to any officer, whose laurels were gathered in the American war; and his reason was, that he hated and detested the war; he regarded it as the fountain-head of all the mischief and all the calamities which this miserable country laboured under at this moment."

He took occasion, in the course of his speech, to advert to many topics not immediately connected with the Address. He reprobated the ministry for the ill use they had made of the army last summer. " The military was," he said, " a force at all times inimical to liberty, and, therefore, it behoved every Englishman to watch the army with a jealous eye. A few months since it was not safe for him, or any man in that House, to speak their sentiments; but now the storm was over it was their duty to speak out. The army were, it was true, called in upon pressing necessity, and used to great advantage in the metropolis, and so far the matter was laudable; what he alluded to as reprehensible, was the King's servants having dared to send orders to officers in all the towns of the kingdom, giving them power to act at discretion, without waiting for the authority of the civil magistrates, and this as well in towns where quiet was perfectly restored and tumult had subsided, as in towns where there had not been the smallest proneness to tumult. And these orders had not been withdrawn till almost every election was over. This was an alarming violence to the constitution, and called for inquiry."

He also severely arraigned ministers for the insult they had put upon the navy, in appointing a man to a most honourable and lucrative post, who stood convicted of having produced a false and malicious charge against his superior officer. "There could," he said, "be only one of the King's servants, so abandoned, and so lost to all sensibility and honour, as to have dared to advise any such measure as the giving the governorship of Greenwich Hospital to that object of universal detestation, Sir Hugh Palliser: a man who was himself so conscious of his own unworthiness, that he had resigned all his employments, and, by retiring from the sight of mankind, seemed, as it were, to have courted oblivion.* There had never, he believed, been a precedent of a vice-admiral having Greenwich Hospital. The cause of its being given to Sir Hugh Palliser, he did not doubt, was not his conduct on board the Formidable, but his subsequent behaviour,—his conduct against Admiral Keppel, his attempts to ruin the reputation of that gallant officer: and he felt the less wonder at this, because it was the characteristic of the present reign to run down, vilify, and defame great and popular men, and to set up, support, countenance, and reward the infamous. The late promotion of Sir Hugh Palliser, was on a par with the promotion of a man (Lord George Germain), to one of the highest civil employments in the state, who had been publicly degraded last war, and declared incapable of serving again in any military capacity, at the head of every regiment in the army.†

He alluded to what Lord Loughborough had said in his charge to the jury at St. Margaret's Hill, in last June,‡ relative to the statute passed in the thirteenth year of Charles II., c. 5, enacting, "That no petition to the King, or either House of Parliament, for alteration of matters established by law, in church or state, (unless the matter thereof be approved by three justices, or the grand jury of the county,) shall be signed by more than twenty names, or delivered by more than ten persons;" and said, "that the doctrine showed very plainly what system prevailed, and what were the wishes of administration, if those wishes were not resisted and prevented in time."

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* Sir Hugh Palliser had resigned his seat at the Board of Admiralty, his rank of colonel of marines, and his government of Scarborough castle; and he had also vacated his seat in Parliament.

† Lord George Germain commanded the British troops at the battle of Minden, under Prince Ferdinand of Brunswick. Having failed to execute the prince's orders to charge, by which default the victory was rendered less decisive than it might have been, he was censured by his commander, and a few days after the battle resigned his command, and returned to England, where he demanded and obtained a court-martial, by which, April 3rd, 1760, he was adjudged unfit to serve thereafter in any military capacity. George II., highly incensed at Lord George Germain's conduct, ordered his name to be struck out of the list of privy councillors. In the reign of George III. he returned to public life, and in 1775 was appointed secretary of state for the colonies. In 1782 he was raised to the peerage, by the title of Lord Viscount Sackville.

‡ See report of the proceedings on the trial of Lord George Gordon.—Howell's State Trials, vol. xxi., p. 485.

He also alluded to Mr. Dunning's *quondam* character of the persons who governed this country, under the legal description of he, she, or they,* and rung the changes for fome time very laughably at the expense of administration, on those words, and their conduct, characterizing the first, under the words, he, she, or they, and the second under the words, him, her, or them.

At length, after touching on a great variety of topics, he recurred to the famous vote of the late Parliament, relative to the influence of the Crown, and said, "it was the last dying speech of that corrupt assembly—the death-bed confession of that wicked sinner; and it reminded him of the death-bed confession of other abandoned profligates, who, after having heaped guilt upon guilt, just before they parted with the last breath, sent for a priest, and made confession of their manifold sins and transgressions, saying, 'Although our gang stood so firm together, and all agreed in stiffly denying the many atrocious facts we committed, particularly our greatest crime and most mischievous offence, it is very true we were guilty, and we hope our fate will prove a warning to those we leave behind us, and induce them to lead better lives, and, not by following the same bad courses which we have pursued, come to the same premature and miserable end.'"

Mr. Grenville's amendment having been lost by a majority of 212 to 130, the Address, as at first proposed, was agreed to.

MR. Fox's Motion Relative to the Appointment of Sir Hugh Palliser to the Government of Greenwich Hospital.

1781. *February* 1. At the request of Mr. Fox, the Clerk of the House read the copy of the charges exhibited by Sir Hugh Palliser against Admiral Keppel, the sentence of the court-martial on those charges, the charge and sentence of Vice-Admiral Palliser's court-martial, Mr. Speaker Norton's speech on delivering the thanks of the House of Commons to Admiral Keppel, and the answer made thereto by the Admiral. After which,

Mr. Fox rose again, and began with saying,—"That there was no gentleman less accustomed than he was to apologize for the motions with which he, from time to time, thought it his duty to trouble the House, but on the present occasion, as the motion which he should make at the conclusion of his speech would undoubtedly point to two particular individuals, he thought it incumbent upon him to say, before he entered into an explanation of the grounds on which he rested the propriety and justice of his motion, that he was actuated by no personal motives whatever. He knew not that man on earth against whom he harboured the least personal enmity, and, least of all, did he feel any against those two individuals, who would be thought by the House, and who certainly were meant by him, as the immediate objects of his motion. He had no personal enmity whatever, he did assure the honourable gentleman whose name he should be obliged to mention pretty frequently in the course of what he had to say, against him, nor against his Majesty's ministers; public enmity against him and them he felt and avowed. Public enmity occasioned by their public conduct, detestation excited by the miseries and misfortunes which they had entailed on their country." He said, "he considered the honourable gentleman, the governor of Greenwich Hospital, as one great cause of those calamities under which this country was now suffering, and, therefore, he felt against him all that public enmity which such a sense of his conduct ought to inspire. He considered Sir Hugh Palliser as the man who, by giving way to his boisterous and unruly passions, had almost ruined that service on which alone we could depend for the protection of this country in the hour of danger, and as the only probable means, if any there were, of extricating us from our present difficulties. It was on these grounds, and these only, that he was the public enemy of the honourable admiral, the public enemy of those who abetted and supported him."

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* See Parliamentary History, vol. xvii., p. 1301.

Having said that he was actuated by no motives of personal enmity, he also "assured the House he was not influenced on the present occasion by private friendship. Not that he disclaimed private friendship; no, God knew, he considered his intimacy and connection with his honourable relation who sat below him (Admiral Keppel) as the chief honour and happiness of his life, but his honourable relation's character, his virtue, his glory, were too firmly established to need assistance. If ever there was a man whose character met the description of the poet exactly,

'Merses profundo pulchrior evenit,'

the admiral was that man. Let those who had attempted against his life and his honour bear witness to this truth. See him attacked, charged, criminated, and sent to trial, on an accusation of the most serious nature! What is the consequence? He comes purified from the ordeal, his honour is clearer than before, his glory beams with renovated lustre! See him at Windsor! See the attempts that are made, successfully made, to separate him from constituents who had thought well of him before, and always, till then, been happy in their representative, and, for aught he knew, had been his constituents for two, three, or four successive parliaments! What is the consequence? The county of Surrey, who saw with indignation the oppression practised, who saw the enormous influence of the Crown opposed to virtue, popularity, and reputation (that influence of the Crown, of which the last parliament had complained, and justly complained), they receive him with open arms; they knew his merit, his integrity, and his virtue; they revered his splendid character, and they invited him to become their representative. Thus oppression, as it always will do, produced its opposite effect, and thus his honourable relation, by being driven from Windsor by the influence of the Crown, is sent to parliament the representative of one of the first counties in England. Therefore, he stood too high in fame, too full of glory, to require additional support, or to make the serving him a motive in the design of the motion he was about to make."

He next observed, that "he was not unaware it might be said, how improper it was, when unanimity was so necessary in the navy, to stir a matter which had a little subsided, and the revival of which might renew animosities. To these opinions he fully assented; *non movere quieta* was a maxim to which he entirely subscribed. Be it upon their heads, therefore, who began to stir the old cause of discontent! Let those answer for the consequences who revived the dispute; he washed his hands of it. It was the Ministers that had broached the subject—those who had advised his Majesty to appoint Sir Hugh Palliser governor of Greenwich Hospital. They had brought him forward out of the obscurity which he seemed to have thought most becoming him, and they only were to atone to their country for the mischiefs that would ensue. The advocates of the Ministry might say, the government of Greenwich Hospital was no great matter, and that it did not signify much. Those who were inclined to reason in that manner, were not aware of the consequences that would follow, nor the great inconveniences that suffering the present appointment to pass uncensured by that House would occasion. He did not like to make invidious allusions; but they had already an instance of the extreme difficulty of arguing against the bestowing of additional honours upon that man (Lord George Germain), who, having been once degraded and declared unworthy of serving again, had been suffered to be invested with confidence and honour.* How did any man know that the government of Greenwich Hospital was the only situation into which Sir Hugh Palliser would be brought? How did the House know that it was not the intention of Ministers to give Sir Hugh Palliser the command of one of our fleets? And then, if the appointment was attempted to be animadverted upon, would not Ministers be furnished with this strong answer to all objection: 'You did not complain of the appointment of this gentleman to the government of Greenwich Hospital,—it was at that time you should have objected,—to object now is to persecute.' It was for this reason," Mr. Fox said, "that he thought it necessary at that moment to take the sense of the House on the first post of honour and profit given to Sir Hugh Palliser."

He said, "the principal purpose or object of his motion was the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, which he considered as an insult on the honour of the navy, because what man, who felt as a gentleman, could be happy in the service, or could serve his country with zeal and spirit, from which alone the navy of England had gained its great reputation, when a post of high honour and profit, which had hitherto always been bestowed on those officers whose fame was unsullied, and who had deserved best of their country, was given to a man convicted of having preferred a malicious and ill-founded accusation against his commanding officer? The appointment of Sir Hugh Palliser to the government of Greenwich Hospital, under all the circumstances of it, was a measure of so much criminality, and at the same time was so glaringly iniquitous, that he knew not scarcely how to argue it, to give it a stronger impression on the minds of the House than it must necessarily have of itself. It resembled one of those self-evident propositions, which bear the name of axioms in mathematics, on which nothing can be said to make them clearer than they are of themselves. The only mode of reasoning, therefore, that he could adopt, was to suppose objections, and then to oppose those objections with arguments.

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* *Vide* second note, p. 73.

"The last time the House debated upon the subject, the vice-admiral had read to the House a long speech, previously prepared for the occasion, the main purport of which had been, as far as he was able to understand such parts of it as he had heard, to arraign and call in question the whole conduct of the court-martial that tried Admiral Keppel, and in particular to impeach the sentence, and charge the court with violent injustice, in having declared the vice-admiral to have preferred a malicious and ill-founded accusation, the motives of the vice-admiral not having been submitted to their consideration. He had since inquired into the usage of courts-martial, and he found it was their general practice, when they acquitted the person accused, to declare their opinion of the nature of the accusation. He would, therefore, first suppose a similar objection to be opposed to him now, and that it would be contended that Admiral Keppel's court-martial had passed an extra-judicial censure on Vice-Admiral Sir Hugh Palliser, in declaring that his accusation was malicious and ill-founded. In answer to this, he should assert, that they had an undoubted right to give their opinion upon the motives of the accusation, both from the nature of their jurisdiction and the general usage of courts-martial. They had the best opportunity of learning those motives, because, all the facts being before them (the accusation specified formally, and all the evidence called in support of it, that the accuser thought proper to adduce), they were perfectly competent to say, what the motives of the accuser were; and when, like Sir Hugh Palliser, he scandalously failed in his proof, and there came, even from his own witnesses, the fullest refutation of his charges, courts-martial were bound, in justice to the honour of the officer accused, not only to acquit him, but to pronounce upon the motives of the accuser. This he asserted was no new doctrine; it was justified by long practice. He had brought with him two or three precedents, which would suffice to support what he said: innumerable precedents, it was well known, were to be found. The first case he should mention, was that of Captain Cotton, in the year 1766; in the sentence of whose court-martial, the accusation was declared to be groundless and malicious. Again, in the case of Captain Lee (the sentence of whose court-martial he read), the court had, in severe terms, reprobated the accuser and his accusation. The third precedent he had brought, was that of a land court-martial, upon an officer, a member of that House (General Monckton), whom he did not see then in his place, but of whom he should never speak without that respect which was due to a brave man: he was tried by a court-martial which sat at the Horse Guards, in 1764, and which had declared, in their sentence of acquittal, 'that the charges preferred by Captain Colin Campbell against General Monckton were false and infamous; that it appeared to them, that the accuser had been actuated by the worst motives, and that they had reason to believe the accuser had imposed upon the Commander-in-chief, by a falsehood, to induce him to order the court-martial.'" From these precedents, Mr. Fox, with great strength of argument affirmed, "that the custom of a court-martial pronouncing upon the accuser's motives was common, and therefore the argument, that it was extra-judicial in Sir Hugh Palliser's case, was frivolous and absurd.

"Besides, what was it but arraigning the honour and the justice of the officers who composed Admiral Keppel's court-martial, to question any part of their conduct? To prefer one individual before another was common, because one man might excel another; but to prefer one set of men before another was illiberal, because in all large descriptions of men there naturally must be men of integrity and virtue. If, however, any profession was particularly better enabled to judge of points of honour than others, it was surely the military profession; and if he could ever be brought to say, one branch of a profession deserved more credit, as men of sincerity, than another, he should say, it was the naval branch; and for this plain reason: the military, generally residing in great cities and populous towns, imbibed all the manners of the times, and as a division of the army was always attendant on a court, and made a part of the parade and pageantry of princes, they naturally were accustomed to a more courtly style of talking than other men; whereas naval officers, living chiefly on the boisterous element, far from courts and princes, were remarkable for a roughness of manners and a blunt integrity of speech, calling everything they mentioned by a plain word, and describing their thoughts exactly as they were. When, therefore, a court-martial, composed of naval officers of the first character and of acknowledged honour, called an accusation malicious and ill-founded, which accusation they had fully investigated, he should, were there no other reasons to induce him to think it were so, be strongly inclined to believe that the accusation was malicious and ill-founded; but he did not doubt he should be able to prove, to the satisfaction of the House, that there were other reasons; that the House, during the late Parliament, had been of opinion, that the accusation against Admiral Keppel had been malicious and ill-founded: and even that Sir Hugh Palliser himself acquiesced under the sentence, and tacitly admitted his criminality.

"Let gentlemen consider the time and the manner in which the accusation was preferred by the vice-admiral against his honourable relation. Was it as soon as he came ashore after the 27th of July?* No. The House knew it was not. When then? Why, at a considerably distant period. And what were the circumstances? The vice-admiral goes out a second voyage with Admiral Keppel. He says not a word of his having any charge to make, but keeps his accusation in his own breast, and he tells us now, that he did not then make the charge from motives of regard to his country. What! will he pretend that a feeling for the national welfare suffered him to sail a second time under the command of an officer, guilty in his mind of those five charges which he afterwards preferred against him? Was it a desire to promote the public good that induced him to suffer a man so criminal to keep the command? Ought he not rather, if he had any such feelings, to have made the charge the moment he set his foot on shore, and to have dragged that traitor, that coward, Admiral Keppel, to immediate trial, and not have suffered him to enjoy a second opportunity of disgracing the British flag by his ignorance, his negligence, his cowardice, and his treachery? It was not, therefore, from a regard to the good of the service, or the good of his country, that the accusation was so long concealed, or that it was ever made. The fact was, the vice-admiral never dreamt of making any charge till he thought recrimination necessary. When he heard that murmurs were stirring, and that his own conduct was questioned, then it was that he thought of charging his commanding officer as a criminal. Let the House remember the compromise that he offered to Admiral Keppel—a compromise which his honourable relation disdained to accept. What was Sir Hugh Palliser's letter to Admiral Keppel but a threatening letter? A letter of extortion? Did not this application sufficiently prove that the vice-admiral was neither actuated by motives of zeal for the good of the service, nor zeal for the good of his country? What was it short of the practice of a man who committed a highway robbery? An attempt, not to obtain money indeed, but to obtain a certificate of character through the impulse of fear? Here surely, therefore, was ground sufficient to pronounce that the motives of the accuser were not honourable; and when it was considered that the charge was preferred on avowed principles of recrimination, every man must see that it originated in malice.

"But not only the court-martial, who pronounced it a malicious and false accusation, thought it so, that House, likewise, thought it so, for they had voted their thanks, with one dissenting voice only, to Admiral Keppel; and what was the language of the Speaker when he gave those thanks? Add to this, what had been the conduct of the vice-admiral himself? Had he come down there immediately after the trial was over, and complained of the conduct of the court-martial? No. He had acted a very different part. He had resigned his lieutenant-generalship of marines, he had resigned his government of Scarborough castle, he had resigned his seat at the admiralty-board, and he had taken in exchange for them, what?—the valuable office of steward of the Chiltern Hundreds! What was this but an acquiescence in the justice of the sentence, a tacit acknowledgment of the truth of the opinion pronounced upon the accusation, and a desire to retire from public notice, arising from a consciousness of criminality! Again, when he had made a motion to address his Majesty to take away Sir Hugh Palliser's flag, a motion which he had afterwards been induced to withdraw from its being suggested, by his worthy friend, General Conway, that it looked like persecution, and that it would be sending the vice-admiral down to his trial, under prejudices—what had at that time been the language of the House? What had a learned gentleman (Mr. Wallace) said, whom he was glad to see that day in his place? Had not that gentleman declared he would move to impeach the minister who should venture to employ Sir Hugh Palliser again? And had not another learned gentleman, now lord-chief-justice of the Common Pleas (Lord Loughborough), pressed that the vice-admiral's flag might remain with him till his death, that it might fly over his grave, since it never could again be hoisted at the mast-head of any of his Majesty's ships? It was evident, therefore, that the crown lawyers, at that time, did not think the declaring the accusation to be a malicious and ill-founded accusation, was an extra-judicial opinion. With regard to the right of reply upon his trial, which the vice-admiral claimed, he should only say, that the right of reply was not essential justice, that even in criminal courts it was thought so invidious that it was rarely claimed, and that in land courts-martial it was never allowed.

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* The engagement with the French fleet off Ushant, out of which the proceedings relative to Admiral Keppel and Sir Hugh Palliser arose, took place on the 27th July, 1778.

" He added, that it was altogether unwarrantable for the vice-admiral, or for that House, to question the conduct of Admiral Keppel's court-martial, unless they set on foot a proper and impartial inquiry, and, after absolving the members of the court-martial from their oaths of secresy, examined them at the bar as to their sense of the accusation. Had anything happened," he asked, " since the sentence declaring that Sir Hugh Palliser had preferred a malicious and ill-founded accusation was pronounced, to alter that general and well-founded opinion? The only event that had the least relation to it was the second trial. But had that removed the stigma? By no means. It did not even honourably nor unanimously acquit Sir Hugh, but, on the contrary, charged him, in so many express words, with a positive neglect of duty. And here, he said, it would not be amiss to examine a little into the management of that court-martial. At the same time that he said this, he begged leave to be understood as meaning to speak, not to its conduct, but to its constitution. A distinction worth attending to: for whoever spoke to its conduct, arraigned and questioned the proceedings of the court, and consequently arraigned and questioned the justice and the honour of the officers; whereas, they who spoke, as he meant to speak, to its constitution, merely examined the proceedings of those persons under whose influence and management the appointment of the court was settled. He was far from impeaching the sentence of that court-martial, though he could not help thinking there was strong ground for suspicion as to the manner in which the court was constituted." Mr. Fox then read over the names of the officers who sat upon Sir Hugh Palliser's court-martial, and showed that Captain Duncan was, by accident, a member of it, that a nephew of Sir Hugh Palliser (who might have had leave of absence), sat upon it, and that three of the other members were officers of the blue squadron, and if there had been guilt found, would have been implicated in that guilt. "Upon the whole, there was, as he had observed, great ground for suspicion of manœuvre and trick in the constitution of the court. The vice-admiral's conduct, also, was liable to doubt; for in what manner had he settled his evidence and the witnesses whose names he had given in? He had not, like Admiral Keppel, desired that every officer in the fleet might be called, but had asked for particular persons, and for Captain Keith Stuart and another gentleman whom he had never examined. These gentlemen, it was true, were examined by the judge-advocate on the part of the Crown, but they were not called by the vice-admiral. Was it not, therefore, warrantable to suppose, that they were merely set down as witnesses to prevent their being judges? Admiral Keppel's conduct was the direct opposite. Fearless of danger, because conscious of innocence, he had acted in the most open, artless, and unreserved manner; nay, he had even himself put a question to each of his witnesses, that none of his counsel, nor any one of his friends, would have ventured to have proposed for him to ask. The question he alluded to was the general question which he put to every witness, not what particular species of neglect and misconduct they observed in him on the 27th of July, but whether or no they saw any instance of negligence or misconduct in his behaviour the whole day? And yet, notwithstanding the different conduct of the two admirals, and the different constitution of the courts that tried them, what had been the sentences? By the one, Admiral Keppel had been honourably and unanimously acquitted, and his accuser pronounced a false and malicious accuser; by the other, Sir Hugh Palliser was said to have behaved in an exemplary and meritorious manner in many instances, which directly implied that his conduct had been the reverse in some instances: he was then condemned as having been guilty of criminal neglect, in omitting to let the admiral know, by the Fox frigate,* the condition of the Formidable, and after that he was acquitted. So that the sentence of acquittal had neither the word 'honourable,' nor the word 'unanimous' in it, and even, while it acquitted, fixed a charge of criminality.

"The second sentence," he said, "confirmed the first; for who should be the man to prefer a malicious and ill-founded accusation against his commander, but an inferior officer, who had himself been guilty of a neglect of duty? From such a quarter only was it likely that such an accusation should arise. He who is conscious of guilt cannot bear the innocence of others; he tries to reduce other characters to his own level; and the history of mankind teaches us, that the highest, the most virtuous, the most glorious of men, are the most envied, the most hated, and the most liable to calumny, detraction, and malevolence. Hence the accusation against Admiral Keppel, and hence the record of the vice-admiral's malice! But, even if the sentence of the second court-martial had been as warm, as honourable, and as unanimous as that which acquitted Admiral Keppel, if it had placed the conduct of the vice-admiral on the 27th of July in the most exalted point of view, still it would not have done away the declaration that he had preferred a malicious and ill-founded accusation against his commanding officer; and though it might have excited his pity, to be forced to know that true greatness of mind did not always accompany distinguished valour, and that a brave and gallant admiral should have given way to his passions, and have descended to the meanness of preferring a malicious and ill-founded accusation against his commander, it would not have justified ministers in bestowing an office of distinguished rank—an office looked up to by the navy as the hope and prospect of honest ambition—on a man who stood recorded as a false and malicious accuser.

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* The Fox frigate had been sent by Admiral Keppel to Sir Hugh Palliser to direct him to bear down in his wake, in order to renew the engagement which took place off Ushant.

"From the appointment of this man to the government of Greenwich Hospital," he said, "everything dangerous to the public interest was to be apprehended. The officers of the navy in general would be disgusted, because they would see that honour and bravery combined were not the merits that were now thought worthy of reward, but that malice and infamy were strong claims with the present ministry. Discipline and subordination would cease, and the spirit of the navy would be broken: thus would the great and only solid strength of this country be annihilated. Every inferior officer, conscious of his own guilt, would threaten his commander with a court-martial, and, seeing that disobedience of orders was countenanced and rewarded, would neglect his duty from the idea that he was sure of protection. What was it that had driven so many great and distinguished commanders from the service, but that they now found that they could not serve with security to their honour? Why was not Admiral Barrington employed? Admiral Barrington, confessedly a good officer, and a zealous lover of his country! Admiral Barrington, it was said, was willing to go out second in command, but would not accept of a chief command. Admiral Barrington had as much honest ambition as other officers, and he presumed Admiral Barrington was as thirsty of honour; why, then, did Admiral Barrington decline accepting a chief command? To what could it be imputed, but to his seeing that a commander-in-chief had spies set upon him, that he was not safe, that it lay in the power of his inferior officer to attack his honour, to attack his life, and to bring a malicious and ill-founded accusation against him; and if it succeeded, his ruin was certain: at any rate his accuser would be protected and rewarded. How happened it, that one officer commanded the fleet at the beginning of the last campaign, and as soon as he could know what he was about, resigned the command, and another was appointed? These were all matters that it was fair to suppose had their origin in the mischievous system of the present first lord of the Admiralty."

He concluded with saying, that no man ought to be promoted who had rendered himself unworthy of rank in a profession so honourable as that of the British navy; and by enumerating the several heads of his speech, in order to remind the House of the grounds on which he rested his intended motion: these were, that it proceeded not from personal enmity; that the court-martial which tried Admiral Keppel was perfectly competent to declare that Sir Hugh Palliser had preferred a malicious and ill-founded accusation; that the declaration was warranted by a variety of undeniable facts and circumstances; that Sir Hugh Palliser had himself acquiesced in the justice of the sentence; that the House had acknowledged its truth; that the sentence of the second court-martial was neither an honourable nor a unanimous acquittal; and lastly, that the promotion of a person, declared to have preferred a malicious and ill-founded accusation against his commander-in-chief, was a measure subversive of the discipline, and derogatory to the honour, of the British navy. He then called upon the young members for their support, declaring that he made the appeal from a conviction that the highest sense of honour always glowed in youthful bosoms, and that they were most likely to act according to the dictates of their own hearts, without servilely embracing the opinions of other men. He then moved, "That the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, who, by a sentence of a court-martial, is declared to have preferred a malicious and ill-founded accusation against his commander-in-chief, is a measure subversive of the discipline, and derogatory to the honour, of the British navy."

The defence of Sir Hugh Palliser was taken up by Lord North, who proposed various amendments to Mr. Fox's motion, until at length it was moulded, with no small difficulty, into the following form: "That the appointment of Sir Hugh Palliser to be governor of Greenwich Hospital, who, by the officers who sat on the court-martial held for the trial of Admiral Keppel, and before whom Sir Hugh Palliser was not charged with any malice in the accusation of the said admiral, or heard in his defence, is declared to have preferred an ill-founded accusation against his commander-in-chief, and whose conduct on the 27th of July, 1778, by a subsequent court-martial, was, after a full examination, declared to be in many respects highly exemplary and meritorious, and who has, during the course of forty-five years, served the Crown, both in his civil and military capacity, with great ability, bravery, and fidelity, was a measure totally subversive of the discipline, and derogatory to the honour, of the navy." Lord North, before he sat down, proposed a sort of compromise with Mr. Fox, by offering to withdraw his amendment wholly, if the latter would consent to omit the words, "who, by a sentence of a court-martial, is declared to have preferred a malicious and ill-founded accusation against his commander-in-chief"; by which amendment the motion would go to a division in these general terms: "That the appointment of Sir Hugh Palliser to the Government of Greenwich Hospital was a measure subversive of the discipline, and derogatory to the honour, of the British navy." But Mr. Fox refusing to comply with this proposal, the question was taken up with great vigour, and obstinately maintained on both sides. Mr. Fox was powerfully supported by Mr. Burke, Lord Howe, Admiral Keppel, Mr. Thomas Townshend, and Mr. Dunning. The amendment proposed by Lord North was carried by a majority of 214 to 149.

When the division was over, Mr. Fox moved the following amendment to the amended resolution, to come in immediately after the words "heard in his defence": namely, "That the Judge Advocate, having, by the direction of the said court, declared, that it did not occur to the recollection of any of the members, that it had been the usage at courts-martial to admit anything on the part of the accuser, after declaring he had gone through all the witnesses he should produce in support of the charge, and that they had agreed that the paper then offered by the accuser could not be admitted; and the said court having, in another part of the said trial, declared, that they continued of the same opinion, and had agreed that the whole evidence, not only on the part of the charge, but of the defence, had been closed, nothing farther, by way of address from either party, could be received." This amendment was over-ruled, by the motion for the order of the day, to which the House agreed.

MR. HARTLEY's Motion for a Bill to restore Peace with America.

May 30. Mr. Hartley moved, "that leave be given to bring in a bill to invest the Crown with sufficient powers to treat, consult, and finally to agree, upon the means of restoring peace with the provinces of North America." Lord North objected to the motion as nugatory and useless; ministers being already in possession of all the necessary powers for treating and concluding a peace with America; and the present commanders being invested with full powers to treat, consult, and agree, on the means of conciliation. There were, indeed, certain reserved points which must come afterwards, to be settled and concluded by Parliament, but these could not impede or prevent a conciliation, if there was temper for such an event in the people of that country.

Mr. Fox said,—"He would not go at large into the question. He only rose to speak to one or two points. In the first place, the noble lord had been pleased to say, that the Crown had sufficient power to make peace with America. This he must deny, and on the contrary assert that the Crown had not power invested in it to settle any one matter in dispute between

Great Britain and America. Not a single thing in controversy between them could be adjusted by the Crown. The noble lord had, indeed, let it drop from him, that there might, to be sure, be reserved points for the consideration of Parliament. But what were those reserved points? They were, in fact, every point that was to be settled. The motion was, therefore, necessary, if peace with America was really and sincerely intended; and that the Crown had not power, without the authority of Parliament, was too clear to be contradicted. If the Crown had that power it was pretended it had, it surely was a question well worth considering, why the minister had come to Parliament for an Act giving power to Lord Carlisle and the rest of the commissioners to go to America for the purpose of making peace?* If the Crown had power, why were not the commissioners sent out without coming at all to Parliament? Was it merely for the pleasure of obtaining an Act of Parliament to do nothing at all? Was it because the thing itself was one of those splendid and brilliant acts that was to cast so bright a lustre upon the annals of this country? Or did the consequences that resulted from it, upon the commissioners' arrival in America, point out the necessity there was to come to Parliament for the appointment of so illustrious and important an embassy?"

The honourable gentleman begged leave to contradict the noble lord. "The Crown had not the power of making peace with America, as with France, and Spain, and Holland. What, were we then at war with America? Is America, then, recognised as an independent state? No; you are at war, not with America, but with your revolted colonies in America. It is not a war with an independent enemy in which you are engaged, but an attempt to quash a rebellion, to subdue an insurrection. By an Act of Parliament, no Massachusett trader dare come into any of your harbours. Can peace be restored without repealing that Act? and can that Act be repealed without the authority of Parliament? The present hostilities commenced in consequence of the Prohibitory Act, as it was called, passed in the year 1776.† It was that Act that made the war with America. We were, therefore, very differently situated with America than we were with France and Spain. The Crown had never made war with her, but the war was brought on by an Act of Parliament, which Act of Parliament must necessarily be repealed. The present motion was, therefore, a necessary preliminary to the opening a door for a reconciliation. I maintain," continued Mr. Fox, "that there is not one point in dispute between Great Britain and America that can be settled by the Crown, without the consent of Parliament—not one point; so that the noble lord's reserved points comprehend all the points in question. The rebels in America were declared so by an Act of Parliament; and through the whole course of the contest this position had been held, that against the authority of the British legislature they were contending; surely, then, it was not competent in the Crown to decide on the privileges of Parliament.

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* *Vide* first note, p. 22.

† The Prohibitory Act, 16 Geo. III., c. 5, interdicted all trade and intercourse with the thirteen united colonies, during the continuance of the rebellion, repealed the Boston Port and Restraining Acts, and empowered his Majesty to appoint commissioners and issue proclamations in certain cases.

"When the noble lord contends that the King's servants have already as much power as is requisite for treating with America, I can assent to the declaration," said Mr. Fox, "in one sense. I can assent that the Crown has as much power as the servants of the Crown have will to treat and conclude peace with America; but that they have power is false. Did they not come to Parliament for power when they sent out the commissioners? And is not that authority which was granted for a limited time expired,* so that matters are exactly now as formerly? But the noble lord chooses, on the present subject, to speak indefinitely. It is often inconvenient for the noble lord to speak directly to matters of fact, or to answer such questions; and, therefore, he commonly amuses the House with general propositions; for there is not in the House, nor in the kingdom, a greater master of language than the present chancellor of the exchequer, nor one who can make a better discourse upon any subject. If it were possible," said the honourable gentleman, "for his Majesty's ministers to enter into a negociation with America, without knowing the mind of Parliament, it would be a mean and insidious artifice, and would induce the Americans to reject all terms, since they must know, that whatever terms ministers might offer could not be binding without the sanction of the British legislature.

"With regard to the opinion the ministry entertained of the present situation of affairs in America, whatever they might think some few years ago, sure he was, they did not in their own minds believe there was the least prospect of their now mending in our favour. The noble lord in the blue ribbon, who talked so very fluently, and affected so much candour, would be put in a very awkward situation were he to be asked the question; for in answering it he would be obliged to contradict facts which he had again and again asserted. As to the noble lord, he was a man of experience; he was a man, too, naturally inclined to moderation and mildness. Whence, then, was he induced to be so strenuous a supporter of the American war? Whence was his inclination to that war deducible? He might put an answer in the noble lord's mouth from an Italian poet, 'My will to execute this deed is derived from him who has both the will and the power to execute it: ask no farther questions.' The noble lord, who sat near the first lord of the treasury, was," he observed, "less accustomed to amuse his audience with general speeches, and, therefore, came more directly to facts. That noble lord (George Germain) had said, that the Americans, having once rejected the proffered terms of peace, had no right to any other. Unconditional submission was, therefore, what he, and others equally sanguine, contended for. Their conduct and their sentiments were, at least, entitled to the praise of consistency; but the conduct of the noble lord in the blue ribbon was at variance with his sentiments. He would not say we were not likely to succeed in our enterprize against America, though the noble lord knew in his own heart that all our hopes were at an end. Yet we had of late met with many victories; we had London Gazettes Extraordinary; we had firing of guns, and we had illuminations all over the town." The honourable gentleman was exceedingly poignant in his animadversions on these kinds of victories and rejoicings, and reminded the House of the great triumph the ministry made when Charles Town was captured, though he had staked his reputation that such a conquest would never affect the American cause.

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* The authority of the commissioners appointed in pursuance of the 18 Geo. III., c. 13, to treat with the Americans expired on the 1st of June, 1779.

He then gave a narrative of the proceedings of the ministry towards America since the year 1775. "Certain conciliatory propositions* were then made to them, and the noble lord, according to a French saying, paid with his person on that occasion; for he had repeatedly pledged his word as a gentleman, that he would never agree to any proposal that might be made thereafter for granting the Americans better terms, and no doubt the personal declarations of a person of the noble lord's birth, rank, abilities, and fortune, were objects of great regard; they were made on the occasion alluded to lest the Americans should imagine that by persevering in resistance they might obtain better conditions. But after all these declarations, his lordship had, in the year 1778, brought a bill into Parliament, for enabling commissioners to propose the most extravagant terms to the Americans; terms by which they would have had the power of taxing England, while their own country would not have been taxed by the English Parliament."

He placed the noble lord in all the situations in which he had stood within the last seven years in that House; and said, "that his versatility arose from motives highly unbecoming. The ministers found it necessary to protract the war, to avoid every tendency to pacification, because they knew that the American war was necessary to their continuance in power and place. They sacrificed honour and duty; they sacrificed the interests, and, perhaps, the existence, of their country, to the temporary gratification of their avarice and their ambition, in the enjoyment of the places and honours which they now held, and which were so connected and interwoven with the American war as to depend upon its existence. The minister, then, knowing this fact, knowing that he lived, and must die, with the American war, had encountered shame and embraced it, in order to its continuance. He had been forced into all those vile measures of contradiction and absurdity which had brought infamy on the present age, and would bring ruin on posterity. There was no accounting for the credulity, the servility, and the meanness of Parliament, in either believing or submitting to receive all the monstrous and incredible stories which they had been told by the minister, in any other way than by referring to the means which influence possessed; the emoluments of contracts and the profits of a loan. It had, no doubt, been the study of the minister to tell his friends that their payment, like his own bread, depended on the American war. The American war begot extraordinaries; extraordinaries begot loans; loans begot douceurs; and douceurs begot members of parliament; and members of parliament again begot all these things. There was a mutual dependence among them absolutely inseparable. Thus the power and the security of ministers were generated by that war which was the ruin of the country.

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* *Vide* third note, p. 18.

"If any one should ask the minister out of the House concerning the majorities he found, and he should be inclined to answer the question fairly and directly, he would immediately say, 'Do not I give them an extravagant loan to divide amongst them?' With the King the minister was continually feeding the royal ear with a notion, that the instant he made peace with America his power would decrease. His majesty was taught, and he was afraid too successfully taught, that power was preferable to popularity; that the former was a solid, substantial, and permanent good, worthy the embrace of a monarch; while the latter was nothing more than an empty, high-sounding name, full of nothing, and the mere glittering of the day. These were the notions the present set of ministers were repeatedly infusing into the royal mind, impressing him with an opinion, that whenever the American war ended his power also would end, when, in fact, it was their power only that would end. The power of the sovereign would know no period with the American war. It was grounded in the constitution, and would live and fall with it.

"With members of parliament the noble lord held a language that was as easily to be guessed at." Here Mr. Fox personated the minister conversing with some dependent member of parliament, at his levee, on the subject of continuing the war: "Supposing that any remonstrances should be made on that score, what would the noble lord say? 'Why, you know that this war is a matter of necessity, and not of choice: you see the difficulties to which I am driven, and to which I have reduced my country; and you know also, that, in my own private character, I am a lover of peace. For what reason, then, do I persist in spite of conviction? For your benefit alone! For you I have violated the most sacred engagements! for you rejected the suggestions of conscience and reason! for you a thousand times forfeited my honour and veracity in this business, and for you I must still persist! Without the American war I shall have no places, no emoluments to bestow: not a single loan to negociate, nor shall I even be able to retain this poor situation of mine that I have thus long held most disinterestedly. You see me now in the most elevated situation, with the disposal of places and pensions, and with the whole power of the nation in my hands; but make peace with America to-day, and to-morrow I shall be reduced to the level of private life, retaining nothing but what is merely personal of all my present advantages. If you do not vote with me,' continues the noble lord, 'against a peace with America, how am I to give you anything? It is true, that my situation as minister is a respectable and elevated situation, but it is the American war that enables me to give you douceurs, and to put into your pockets eight or nine hundred thousand pounds by a loan. Put an end to that, and you undo all. My power will be miserably lessened, and your pay as miserably reduced. As to myself, why, I am perfectly indifferent about that; I get a little, and it is my happiness that a little, thank Heaven, contents me. I therefore cannot be supposed to care if a peace takes place with America to-morrow, so far as I am personally concerned; but for your own sakes do not let such a thing come to pass. Nay, were I to go out of office—a situation I never courted, always disliked, and heartily wished to be rid of—still I hope the American war would be continued.' Such pathetic reasoning could not fail to have its effect. Thus it was the noble lord induced members of that House to sacrifice the interests of their constituents, by proving that their own interests were essentially connected with the prosecution of the war. Was it possible, therefore, that peace with America could ever be obtained but by a renunciation of that system which the present ministry had, with so much obstinacy, adhered to? And here was another obstacle arising from the noble lord's feelings. 'O spare my beautiful system!' he would cry; 'what! shall I part with that! with that which has been the glory of the present reign, which has extended the dominions, raised the reputation, and replenished the finances of my country! No, for God's sake, let this be adhered to, and do with all the rest what you please; deprive me, if you please, of this poor situation; take all my power, all my honour and consequence, but spare my beautiful system, O, spare my system!' "

Mr. Fox said, "he could not suppose any one amongst them, at that time of day, of so miserable an imbecility of nature as to think that anything could be done effectually against America. Yet the House appeared as much as ever inclined to prosecute the war, and upon the same ground as formerly. They, as well as the noble lord, were yet averse to peace. The noble lord had staked his veracity as to the prosecution of it. Did any man dispute his intention of carrying it on? If any man could be so weak, what would the noble lord himself say? Why, recollect I have appointed Lord Dunmore, Governor of Virginia. Good God! then, can you suppose I have a serious idea of peace, when I send out to that province a man as obnoxious as ever came from America?*

"The American war," he said, "was continued upon the opinion of men whose interest it promoted. Mr. Galloway had told the House at their bar,† that five-sixths of the people of America were in the interest of Great Britain, others had said nine-tenths; yet what had we been able to do, although those nine-tenths of the people had an army to assist them? If Mr. Galloway had told him this, he would have asked him what he did here? and why he was not with the friends of Government in America? Ministers were so egregiously simple, perhaps, as to credit his report; but would any other man in his senses be of the same opinion? What! five-sixths of the people amicable, and yet not a blow struck in our behalf, not one visible symptom of loyalty throughout the continent? It was thus that the Government of this country was abused by a set of men who lived on its credulity. A list of American refugees, receiving pensions, had been lately called for and refused; it was politic in Ministers to keep the list concealed, and not to inform the public what men they were supporting; at the same time, however, he must confess, that there was a description of American sufferers to whom the bounty of Parliament was well applied; he meant those who really had been martyrs to their principle, and had been driven from the continent by an unfortunate attachment to the British Government. Any charitable donation to characters of this kind he should be the last to condemn; for, however much he might differ from them in political opinion, he felt them entitled to a large share of compassion and some honour; like those who, from similar misguided attachments, have been compelled to drag out their lives at St. Germain's or Rome. But too many of those who were now pensioners on British generosity, as sufferers in the colonies, were men who had once been most vehement in the American cause, and only left it when from some mistaken speculations they thought it on the decline. Renegadoes of this class were now the chief favourites of administration, and were employed to write libels on characters the most unimpeachable of any in the kingdom. One of them had the singular audacity to vilify a near and dear connexion of his—his own brother—a lieutenant-colonel in America, representing him as a traitor to his country, and directly charging him with using his rank in the army for the purpose of carrying on a correspondence with the enemy. Thus persons brought up in their country's service, and labouring unremittingly for the public good, were exposed to the venom of wretches paid by the Ministry for the calumny they circulated. It was in return for the part he had acted in Parliament, and his firm opposition to the American war, that the person alluded to was marked out, by the hireling pen of a refugee, as a proper object of detraction." He reprobated in most severe terms the authors of those calumnies, but said "they were not so despicable as the men who employed or who believed them.

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* See Adolphus' History of the Reign of Geo. III., vol. ii., p. 242 *et seq.*

† In the committee of inquiry into the conduct of the American war on the 29th of April, 1779, Sir William Howe entered into a defence of his conduct, and having proposed to examine witnesses in support of his observations, his proposal was at length acceded to by Ministers, who found themselves obliged to appeal to counter-evidence. Mr. Joseph Galloway was one of the witnesses appealed to by them.

"If any one had gone to the Pretender, after his retreat from this country, and had told him that nine-tenths, or even five-sixths, of the people of England were for him, with a powerful army on the spot, ready to co-operate with them, and the King of France had been applied to for assistance, the honourable gentleman could not suppose that Louis XIV. would have been so egregiously stupid as to have given any; but that he would have replied, 'If there are nine-tenths, or even five-sixths, of the people on the Pretender's side, and a numerous army to stand by them, there surely can be no occasion for me to send an army into England to put the Pretender on the throne.' This was the mode of reasoning that Louis would have used, and this was the mode of reasoning that a majority of the House of Commons ought to have used upon considering Mr. Galloway's evidence.

"After all, what had been the case? Had the British army yet effected anything? If Ministers should be asked what sort of an army General Washington had, they would reply, that his army was without clothing, that it had exhausted its provisions, had neither powder nor ammunition, and was nearly reduced to nothing. But if they were asked what sort of troops Sir Henry Clinton had, the answer was uniformly the same. Oh! they were fine men, every one of them; the very flower of the army; well fed and well clothed; furnished with magazines and all sorts of ammunition; in high spirits, flushed with the successes they had met with, and panting with a thirst of future glory. If they were to be asked, too, what sort of generals the British army had, the answer would be, that they were the best in the world, deeply experienced, and enterprising in their nature. And were the Americans so? Oh, no; their commanders were another sort of men: no military knowledge, no reputation, no skill to be found in any one of them! This was what the Ministry would say; and yet, with all these facts, what had we done? Though the British army had been everything that pride and valour could wish them, and though the American troops were everything that could excite pity in an enemy, yet this very wretched army had not been subdued, but had withstood and bid defiance to this fine, formidable, and spirited British army, which had also nine-tenths of the people of America with them; so that it was really, at least, a matter of curiosity to know how it came about that the whole of the British troops, with nine-tenths of the people at their command, were awed and overpowered by only one-tenth of the people of America, and only a wretched and dispirited army to support them. With such experience, then, before them, what could be the reason why the British Parliament still persisted in this war, and was so credulous as to be duped by such wretches as Galloway? It might with justice be done with respect to this, as was often done in books, where, instead of giving a long explanation, there was a marginal note on particular passages, in which the reader was desired to '*Vide* such a book.' So it might here be said, as a full and comprehensive explanation of all the servility and all the submission of Parliament, '*Vide* the loan.' Why has the House followed the Minister through all his contradictions, and why does it still support him in this war? '*Vide* the loan.' Why does it stifle inquiry, prevent detection, and destroy the benefits of responsibility? '*Vide* the loan.' It was a full answer to everything that could be alleged against Parliament in point of its servility and acquiescence.

"There were men surrounding the throne, who taught very pernicious doctrines; and anxious to insinuate that the power and prosperity of the Crown were distinct and opposite to those of the subject. Such men alleged, and it was indeed a truth, that in war the power of the Crown was greater than in time of peace. But the power of the Crown, if not so great, was more glorious when it rested in times of peace and prosperity in the constitution and on the affections of the people. It was the virtues of the Sovereign, which, by conciliating the esteem and grateful affection of his subjects, was the firmest foundation of his power. What cause had we now to hope that our arms would prove more successful in America hereafter than they had done formerly? Did Ministers derive courage from the reports from Holland of a second action between Lord Cornwallis and General Green, in which the former had been victorious? We had had abundance of victories last year; we had been covered with laurels. The thanks of the House had been voted to different generals and admirals, to Lord Cornwallis, to Sir Henry Clinton, to Admiral Arbuthnot, to Rodney, and God knows whom! But what did all our victories avail?

"After all, he did not think it would be doing any good to carry the question before the House. It would, at best, be only adding more responsibility to the Crown, and giving power where there was no will. The noble lord in the blue ribbon could not, in fact, make peace with America. He dared not do anything of the kind. He had been a gentleman born, he had been bred a man of honour, and had lived in those habits of life that precluded him from showing himself after he had violated his word. What was the situation in which the noble lord stood? In the year 1775, when the noble lord came to the House for the Conciliatory Bill, he explicitly and repeatedly declared, that farther than that he never would go. Yet this very same lord, this first lord of the Treasury, this ostensible Minister, had himself come down to the House in the year 1778, and moved for the bill which sent out Lord Carlisle and the other commissioners to America, to make an offer to her of taxing herself. This the noble lord had done; the very same Minister that had, upon passing the Conciliatory Bill, affirmed, in order to get it passed, that he would never go beyond it. 'Some gentlemen,' said he, 'may object to this Conciliatory Bill, under a notion that I may come afterwards and move for something more; but in order to remove their scruples upon that head, I am a gentleman born, a man of honour, a great Minister, in whom Parliament may confide, and I here pledge myself that I will not, upon the sacredness of my word, ever go farther than this Conciliatory Bill.' This lord, however, did himself, in the year 1778, go farther, and appoint a commission to give up the dependency of America. As to a peace with that country, he did not think it at all probable this year, or the next, or this time seven years, or even fifty years hence, if the present system continued. The noble lord did not dare to make peace; he had pledged himself to the House to bring the Americans upon their knees, and he had not candour enough to confess himself in a mistake."

Mr. Fox very finely pictured the different and contradictory situations in which the ministry had stood. "In the outset of the American war, what was their argument? Shall we give up the trade of America? No, they could never think of that, the trade was too valuable to be lost; but when it was lost, their tone was changed, and then it was only taxation that we were fighting for. Soon, however, trade and taxes were given up, and then the whole contest was about the dependency of America, which we were told was on no account to be yielded. Yet, after all this, the independency of America must be granted. The honourable gentleman lamented that the war was to be prosecuted, that poor men were to be plundered of the earnings of their industry, and the rich abridged in the enjoyments of life. He looked upon every tax imposed in consequence of the war, as nothing less than a robbery of the public. Lord Dunmore, at first, was said to have talked of nothing but submission: by and by he altered his tone, and said that the continent of America would never be recovered without the affections of the people; but that these would soon return, for the child would be glad to return to the parent. But his return to his government looked as if there were an intention not to conquer the Americans, for that seemed impossible, (the whole almost of that people entertaining the most rooted aversion to the British government,) but to exterminate them: for, while there was a guinea in Britain, or a man to go for a soldier, there seemed to be a resolution to carry on the war, even until Britons and Americans should mutually fall by each other's swords. If the war, after all, was to be pursued, it would be a great satisfaction if either he, she, or they, (as his honourable friend, Mr. Dunning, had on a former occasion called the advisers of the war,) who recommended it, were to be sent to explain his, her, or their motives; for, however admirable the noble lord in the blue ribbon might be in explaining things, it was as awkward with him as it was with other people, to explain a conduct that was not their own, but which they were obliged to adopt and pursue."

He concluded a long and animated speech, with saying, "that the American war would never end while the present system continued; but that the moment that system should be changed, the good of both countries would be consulted. He pronounced the American war to be as unjust in its principle and as absurd in its prosecution, as it would be ruinous in its consequences, and he, therefore, should vote for the question under consideration."

After further debate, in which the motion was supported by Sir Philip Jennings Clerke, Sir George Savile, Mr. Thomas Townshend, and Mr. Burke, and opposed by Lord George Germain, Sir Henry Hoghton, and Mr. Welbore Ellis, the House divided, and it was rejected by a majority of 106 to 72.

Mr. Fox's Amendment to the Address of Thanks on the King's Speech at the Opening of the Session.

November 27. The King opened the session with the following speech:—

"My Lords and Gentlemen,

"When I last met you in parliament, I acquainted you with the arduous situation of public affairs at that time; and I represented to you the objects which I had in view, and the resolution with which I was determined to persevere in the defence of my dominions against the combined power of my enemies, until such a pacification could be made as might consist with the honour of my crown, and the permanent interest and security of my people. The war is still unhappily prolonged by that restless ambition which first excited our enemies to commence it, and which still continues to disappoint my earnest desire and diligent exertion to restore the public tranquility: but I should not answer the trust committed to the sovereign of a free people, nor make a suitable return to my subjects for their constant, zealous, and affectionate attachment to my person, family, and government, if I consented to sacrifice, either to my own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which, the future strength and security of this country must ever principally depend. The favourable appearance of our affairs in the East Indies, and the safe and prosperous arrival of the numerous commercial fleets of my kingdoms, must have given you satisfaction; but in the course of this year, my assiduous endeavours to guard the extensive dominions of my crown have not been attended with success equal to the justice and uprightness of my views; and it is with great concern that I inform you, that the events of war have been very unfortunate to my arms in Virginia, having ended in the loss of my forces in that province. No endeavours have been wanting on my part to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies, and to restore to my deluded subjects in America that happy and prosperous condition which they formerly derived from a due obedience to the laws; but the late misfortune in that quarter calls loudly for your firm concurrence and assistance, to frustrate the designs of our enemies, equally prejudicial to the real interests of America, and to those of Great Britain. In the last session you made considerable progress in your inquiries into the state and condition of our dominions and revenues in the East Indies:—You will, I am persuaded, resume the prosecution of that important deliberation with the same spirit and temper in which it was begun, and proceed with the same attention and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

"Gentlemen of the House of Commons,—I will order the estimates for the ensuing year to be laid before you. I rely on your wisdom and public spirit for such supplies as the circumstances of our affairs shall be found to require. Among the many ill consequences which attend the continuation of the present war, I most sincerely regret the additional burthens which it must unavoidably bring upon my faithful subjects.

"My Lords and Gentlemen,—In the prosecution of this great and important contest in which we are engaged, I retain a firm confidence in the protection of Divine Providence, and a perfect conviction of the justice of my cause ; and I have no doubt but that, by the concurrence and support of my parliament, by the valour of my fleets and armies, and by a vigorous, animated, and united exertion of the faculties and resources of my people, I shall be enabled to restore the blessings of a safe and honourable peace to all my dominions."

An Address, framed in the usual manner, was moved by Mr. Perceval (afterwards Lord Arden), and seconded by Mr. T. Ord. After which,

Mr. Fox rose, and in a speech of considerable length, entered with his usual ability and success into the merits of the important question of continuing or abandoning the American war. He said, "that he rose to move an amendment to the Address, for the same reason that the honourable gentlemen had risen to propose and second it. The task had been assigned to them because they were young men, and young members of that House. There was a favour about youth which recommended its actions; but there was more than the favour of youth requisite to give grace to the motion for an address to the throne on the present occasion ; it required the benefit of inexperience, the recommendation of ignorance ; for what man, who had observed the conduct of Ministers for the last two Parliaments, who had been a member of that House, and had had opportunities of knowing the measures of Government, could have been brought by any means to disgrace himself by the motion ? The most servile or the most profligate adherent of the Ministry, however he might have gained a seat in that House, or however submissive he might have been rendered by pension or place (and that there were such members was but too true), could not have been brought to move for this Address, if he had been for any time a member. It was, therefore, with prudence assigned to the present gentlemen, because they were fortunately unacquainted with what had been seen and executed in that House. He was ready to do justice to the discernment of Ministers in this respect : but for the same reason that they had moved and seconded the address, he now rose to propose the amendment. Though he was a young man, he could not be called a young member of that House. He had been present and seen the whole system of his Majesty's Ministers ; had heard their progressive madness, impolicy, or treachery ; and he was now confounded at their presuming to look the Commons' House of Parliament in the face, much more to sit and hear such an address to the throne moved for at such a juncture. That they should dare to bring down such a speech after what they had done, was to him a subject of astonishment, nay, a subject of horror. It showed that they were divested of all modesty as well as principle, and that they had formed the dreadful resolution of going on to the last act of the tragedy, and completing the ruin which they had so successfully begun.

"There never was any moment when it was so necessary for him to take notice that the speech from the throne was not to be considered as the speech of the King, but of his Ministers. The present was the most extraordinary that he had ever known. He must pause awhile on the audacity of Ministers (for he could give it no gentler term), in putting such language into the mouth of the Sovereign. If men were unacquainted with the nature of our constitution, and knew not that the speech was contrived by a cabinet council, what would they pronounce the present speech from the throne to be?—What! but that it was the speech of some arbitrary, despotic, hard-hearted, and unfeeling monarch, who, having involved the slaves, his subjects, in a ruinous and unnatural war, to glut his enmity or to satiate his revenge, was determined to persevere in spite of calamity, and even of fate: that it was the speech of a monarch incapable of feeling his own misfortunes, or with sympathizing with the sorrows of his people, when the high prerogative of his despotic will was disputed; for despotic monarchs were the most tenacious of their rights, as they called them, and allowed nothing to the feelings or to the comforts of their fellow-creatures. The speech spoke out a bold and sanguine language, and he was glad of it. It was better that the people should know what they were to expect, and what to suffer, than that an insidious air of lenient intentions should cover and conceal the same dreadful plan. But he called upon every honest man in the House to say if it was not his firm dependence and trust to have heard a very different speech on that day. He would refer it to the candid feelings of every man in the House. He had not been many days in town, but he had been long enough to hear and collect the opinions of men, and he declared that it was the general sentiment, that we should have heard his Majesty, on that day, declare from the throne, 'that he had been deceived and imposed upon by misinformation and misrepresentation; that, in consequence of his delusion, the Parliament had been deluded, but that now the deception was at end. He saw that he had been in an error, and that he and his people had suffered enough from the consequences of it. That, therefore, he requested of his Parliament to devise the most speedy and direct means of putting an end to the calamities, and restoring peace, security, and happiness to his dominions.' He said, that this was the general opinion; but instead of this, they had heard a speech, breathing vengeance, blood, misery, and rancour. It spoke exactly this language: 'Much has been lost; much blood, much treasure, has been squandered; the burthens of my people are almost intolerable; but my passions are yet ungratified, my object of subjugation and of revenge is yet unfulfilled, and therefore I am determined to persevere.' This was the language; and for this language Ministers were answerable: the men who had brought us to our present situation, and reduced us from the splendour, and the strength, and the happiness which we enjoyed, to the disgrace, the weakness, and the danger in which we stood at present, yet dared to come forward, and tell the representatives of the people of England, that they were not yet satisfied, that they had not yet done enough, that they determined to persevere in the American war, and to spend more of the treasure, and lavish more of the blood of these very people, although there was a general clamour against it, and out of that House the loudest disapprobation was expressed, and the most direct condemnation of the system.

"There was one thing which he must take notice of: the honourable gentleman who had made the motion had been unadvised. He had lavished in an attack part of that oratory which was all necessary to defence. He advised him to husband his abilities, and reserve them all for the defence of the Ministry below him, rather than waste them in attacking the opposition. He had charged them with expressing joy at the triumphs of America. It would have been becoming in him to have had one quality of youth, candour, on the occasion, and to have stated fairly what he chose to represent. It was true he had said, in a former session, that it was his sincere opinion, that if the Ministry had succeeded in their first scheme on the liberties of America, the liberties of this country would have been at an end; and thinking this, as he did, in the sincerity of an honest heart, he was pleased with the resistance which they had met to their attempt. If the honourable gentleman had thought the same thing, if he had joined him in the opinion that the Ministry, had they succeeded in their first attack upon America, would afterwards have succeeded in an attack upon Britain, he, no doubt, would have wished success to American resistance; at least, if he had been an honest man he would. This was his opinion; it had always been so; he might be wrong, but he from his heart believed it; and he called upon the honourable gentleman, when he next mentioned the assertion, to take notice also, as in candour he ought, of the opinion that accompanied it. That great and glorious statesman, whose memory every gentleman would revere, the late Earl of Chatham, entertained this opinion in the very commencement of the dispute; and, feeling for the liberties of his native country, thanked God that America had resisted the claims of this country.* But 'all the calamities were to be ascribed to the wishes, and the joy, and the speeches of opposition.' Oh, miserable and unfortunate Ministry! Oh, blind and incapable men! whose measures are framed with so little foresight, and executed with so little firmness, that they not only crumble to pieces, but bring on the ruin of their country, merely because one rash, weak, or wicked man in the House of Commons makes a speech against them! Oh, what miserable statesmen must these be, who frame their measures in so weak and wretched a manner, as to make no provision for the contingencies of fortune, or for the rash passions—say, if it pleases the House, the wicked passions—of men! Could they expect that there would be no rash, no weak, no wicked men in this kingdom; or were they so rash, so weak, and so wicked, as to contrive measures of such a texture that the intervention of any unforeseen circumstance broke them to pieces, and with their failure destroyed the empire of which they had the government! It was said against the Administration, that they had no responsibility. People desired to know who was the Minister, and who was answerable for the iniquitous measures of Government. The Ministry felt the difficulty of the question, and hesitated a long time in the answer; but, at last, having found out an expedient, they exclaimed in triumph, 'Oh, yes; responsibility! to be sure there must be responsibility! there are persons accountable to the people for the measures of Government.' Who are they? 'The persons,' reply the Ministry, 'are responsible who have always opposed our measures.' This was the strange and ridiculous manner in which they argued, and endeavoured to shuffle themselves out of that responsibility which they knew to be so dangerous. If they had succeeded, they would have taken all the credit and all the praise to themselves; but, because they have failed, they throw the blame upon those men who endeavoured to prevent the calamities by stopping the cause: they throw it upon the men who saw them in their career to a dreadful precipice, determined to throw themselves from the immeasurable height, careless of the death that must ensue from dashing on the rocks and plunging into the sea below, and who endeavoured in vain to stop them in this mad intent. 'They seized us upon the brink,' say the Ministry, 'and by their efforts to stop us, prevented us from taking the glorious leap which we had intended: if they had suffered us to dash into the abyss without molestation, then we should have been happy.' When this sort of language was held, he had always treated it with silent ridicule; and if he had now given it any serious reception, he begged the House to pardon him. It was unintentionally if he had, for it merited nothing but ridicule and contempt.

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* "I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty, as voluntarily to let themselves be made slaves, would have been fit instruments to make slaves of all the rest!"—See the speech of the Earl of Chatham, then Mr. Pitt, delivered in the House of Commons on the 14th of January, 1766.

"The honourable gentleman who had seconded the motion, said, that 'the House had impatiently heard narratives of the American war, and of the measures that had led to it, and he trusted that there would be no more retrospective censure in the present moment.' Impatiently! Had the House heard them impatiently? Ministers must bear to hear them again, and on that day they must hear them; that was the day when the representatives of the people must recall to the ears of his Majesty's Ministers the disgraceful and ruinous measures that had brought us to this state. They must hear of them not only here, but he trusted that, by the aroused indignation and vengeance of an injured and undone people, they must hear of them at the tribunal of justice, and expiate them on the public scaffold. He saw a learned gentleman smile at the word scaffold. [Mr. Dundas, the lord-advocate of Scotland.] What! did not the learned gentleman think that it was yet time for punishment? Had they not in his imagination done enough, or had they more calamities to inflict, more negligence to exemplify, or rather, more treachery to complete? What was the learned gentleman's opinion? When did he think the fit moment would arrive, when suffering would be supineness, and retribution just? It was his opinion that the day was now approaching, that it was at hand, when the public would no longer submit, nor the Ministry escape. Their conduct was unprecedented in any age or in any history; it beggared the records of nations: for in all the annals of kingdoms ruined by weakness or by treachery, there was not an instance so glaring as the present, of a country ruined by a set of men without the confidence, the love, or the opinion of the people, and who yet remained secure amidst the storms of public disaster. The honourable gentleman who had seconded the motion, had called for unanimity. He demanded to know if they meant to insult that side of the House when they asked for unanimity, and designed to continue the American war? They had opposed it from its commencement; they had opposed it in all its progress; they had warned, supplicated, and threatened; they had predicted every event, and in no one instance had they failed in predicting the fatal consequences that had ensued from their obstinacy or from their treason. If, in a moment like the present, a moment of impending ruin, men who loved their country could have any comfort, he confessed he must feel it as a comfort and consolation, that when the history of this dreadful period should come to be written by a candid and impartial hand, he must proclaim to posterity, that the friends with whom he had the honour to act were not to be charged with the calamities of the system. In justice to them he must declare, that they did all that men could do to avert the evils, to direct them to a more safe and honourable track; but they had failed in their anxious endeavours to save their country. Thus much, at least, the historian would say, and thus would they be exempted from sharing the condemnation, though they now suffered the calamity, in common with the rest of their unhappy fellow-subjects.

"The honourable gentleman had told us, that we must not despond; and at the same time he had given us a picture of our situation which he confessed to be more serious than pleasing. He talked hope to the ear, but he had spoken despondency to the heart. This was his serious picture—and a most serious one it was. You are now suffering these things from measures the most wise, the most prudent, the most necessary, executed with firmness and with foresight, and in a cause the most just and upright. Was it so? Then how much farther distant from despondency was the picture which he would give than this serious, but not desponding, picture of the honourable gentleman. I cannot," said Mr. Fox, "express my sentiments of the situation of this country better than by applying to it the address of the celebrated orator, Demosthenes, to the Athenians. 'I should,' says he, 'be dejected and despair, I should consider your situation as desolate and irreparable, if I did not reflect that you have been brought to this state by weak and improvident measures, and by weak and treacherous men. If your affairs had been managed wisely, if your operations had been firm and steady, and after all you had been reduced to this situation, I should, indeed, have despaired of deliverance; but as you have been reduced by weak and by bad men, I trust you may be recovered by wise and by upright governors. Change your system and you may yet flourish; persevere, and you must be ruined.' This was exactly his opinion of the present situation of this country: if their cause had been just and virtuous, if their measures had been wise and vigorous, if their Ministers had been capable and zealous, and after all we had been brought to our present situation, he should have despaired of deliverance; but as it was there were yet hopes, by substituting a just and a virtuous system in lieu of the present oppressive and disgraceful one; by substituting wise and vigorous measures in room of the present ridiculous and impotent schemes; by substituting activity and zeal in the place of indolence and treachery, and by changing, in short, the whole plan and conduct of government. His motive for this advice was not that he wished to succeed to those places of trust; he sincerely wished their present possessors good of them; they had rendered the offices of trust and power most unenviable to men who loved their honour, and whose only object in accepting them would be to promote the splendour, the security, and the happiness of this country. Let them, in the name of Heaven, enjoy the emoluments for which they have lavished so much; and if our ruin must be accomplished, let it be completed by the same baneful hands!

"The honourable gentleman exhibited two pictures of this country; the one representing her at the end of the last glorious war, the other at the present moment. At the end of the last war this country was raised to a most dazzling height of splendour and respect. The French marine was in a manner annihilated, the Spanish rendered contemptible; the French were driven from America;* new sources of commerce were opened, the old enlarged; our influence extended to a predominance in Europe, our empire of the ocean established and acknowledged, and our trade filling the ports and harbours of the wondering and admiring world. Now mark the degradation and the change! We have lost thirteen provinces of America; we have lost several of our islands, and the rest are in danger; we have lost the empire of the sea; we have lost our respect abroad and our unanimity at home; the nations have forsaken us: they see us distracted and obstinate, and they leave us to our fate. Country! 'This *was* your husband; this *is* your husband.' This *was* your situation, when you were governed by Whig Ministers and by Whig measures, when you were warmed and instigated by a just and a laudable cause, when you were united and impelled by the confidence which you had in your Ministers, and when they again were strengthened and emboldened by your ardour and enthusiasm. This *is* your situation, when you are under the conduct of Tory Ministers and a Tory system, when you are disunited, disheartened, and have neither confidence in your Ministers nor union among yourselves; when your cause is unjust and your conductors are either impotent or treacherous."

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* By the treaty of Paris, signed in 1763, at the conclusion of the last war, France ceded to England the following possessions in America, namely, all Canada, together with Cape Breton and the other islands in the gulf and river of St. Lawrence, and all that part of Louisiana which is situate to the east of the Mississippi, except the city of New Orleans.

He said, that "he should not go into a minute detail of the transactions of Ministers in the progress of this accursed war, but only trace them through the leading features, which would show the plan and system they had pursued. They commenced war against America after that country had offered the fairest propositions, and extended her arms to receive us into the closest and nearest connexion. They did this contrary to their own sentiments of what was right; but they were over-ruled by that high and secret authority which they durst not disobey, and from which they derive their situations. They were ordered to go on with the American war or quit their places. They preferred emolument to duty, and kept their ostensible power at the expense of their country. To delude the Parliament and the people, they then described the contest to be a mere squabble. It was not America with whom we had to contend; it was with 'Hancock and his crew:' a handful of men would march triumphant from one end of the continent to the other. This was the language sounded in that House; and for this language a learned member of it (Lord Loughborough) was exalted to the dignity of a peer, and enrolled among the hereditary council of the realm. He was thus rewarded for no other merit that he could ever discover but that of vehemently abusing our fellow-subjects in America, and calling their opposition the war of 'Hancock and his crew!'

"Having by misrepresentation deluded the Parliament into the contest, they endeavoured to continue the delusion by promising the country gentlemen a revenue from America. This, like all the rest of their fictions, was what they did not themselves believe; but it was necessary to the occasion. They saw the French raising an armament in their ports; great preparations were evidently making, which demanded the notice and the inquiry of the British Ministry long before they openly professed this resolution to support the independence of America. What did our Ministry do? They suffered these armaments to go on; they came down, day after day, and professed that France was friendly in her disposition; nay, after they knew that the propositions were hostile to Great Britain: that they were intended to resist us in our attempts upon America; when it was no longer in the power of the Ministry to conceal the irksome truth, and when they were galled with what was told them of it in that House, they adjourned it for a considerable time, just previous to the conclusion of the treaty between France and America.* Why did they do all this? Because, if they had not, they must have been forced to go to war with France at a much earlier period than they did; which they could not have done without giving up the American war, the object of their ambition, because the parent of their fortune and the tenure on which they held their power. They had wilfully and positively plunged this country into a war with France, with Spain, and with Holland, by a treacherous acquiescence in the designs of France, for the mere love and attachment that they had to the American war. If they had crushed the preparations of France in their infancy; if they had called her to a peremptory account before their naval equipments were matured; would any man breathing say, or suspect, that the French would have dared to act as they did, or presume to go to war with the whole strength of this country, undivided, unweakened, by the prosecution of a mad war against her colonies? Surely not. But they pursued another policy. He would not say that he believed they were paid by France: it was not possible for him to prove the fact; but he would venture to say, that they deserved to be paid by the *grand monarque*, for they had served him more faithfully and more successfully than ever Ministers served a master. If the French king heaped treasures upon their heads; if he exhausted his exchequer to enrich them; if he even drained his resources for their sake, he purchased the aggrandizement of his kingdom at an easy rate; for they had done more for its permanent advantage, more towards the accomplishment of the grand object of French ambition, that of universal monarchy, than all the preceding administrations that ever France had employed; nay, more than all the little achievements of Louis le Grand. He, in his aim to acquire universal monarchy, grasped only at the conquest or the purchase of a few barrier towns, and, by pursuing these impolitic means, had exasperated and roused Europe against him.

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* *Vide* note, p. 22.

"But the present system of France had been more deeply and more sagaciously laid. If there should be a deliberation between the king of France and his subjects on the best means of extending and establishing the projected universal monarchy, what would be the tenor of their conversation? 'We must,' the king would say, 'weaken and destroy our grand and most formidable rival, Great Britain.' 'To be sure,' reply the subjects; 'but this cannot be done without diminishing and exhausting ourselves.' 'Yes,' says the king; 'we shall not strike a blow; we will make them cut and mangle one another; we will employ our ministers: those ministers who are paid by Great Britain for doing our business, to go to war with their master's subjects and destroy themselves.' This accordingly is done. The prime minister of France, whom," said Mr. Fox, "I now see sitting over against me, goes to war with America for the maintenance of rights, of trifles that were never disputed, and remains deaf and blind to the calamities and the entreaties of the people. 'Oh! but,' say the subjects of France, 'Great Britain will triumph if we do not interfere.' 'Then,' says the monarch, 'we will interfere; after deluding these men with empty, unmeaning professions, which no creatures but themselves would believe, we will come in at the critical moment to give the finishing stroke to American independence.' 'All this will be great, will be masterly;' the subjects would reply: 'Britain will be weakened; but by this, we shall only have an equal share in the circulating commerce of America.' 'Nay, we shall do more,' says the king; 'we shall conciliate the affections of America; we will conclude a treaty with America, and, by being instrumental to her independence, incline her by obligations to a preference in favour of France.' All this may be supposed to have occurred between the king of France and his subjects; and, still farther, it might have been said, that, in order to complete the design of establishing a universal monarchy, they must destroy the other rival powers of Europe; the naval powers were the most to be dreaded; and, after Great Britain, of these naval powers the Dutch were the first to be overthrown. How could they do that without weakening themselves? 'Why,' replies the king of France, 'how, but by instigating our faithful servants, the ministers of Great Britain, to go to war with their nearest, dearest, and best friends, the Dutch.' True, their interests are inseparable; they are like the right hand and the left of one immense and terrible body; by a brotherly combination of strength and action they are irresistible, and the House of Bourbon must fall before them; but divide them, nay, not only separate them, but set them to tear one another, and they will crumble before us. To do this would be impracticable with any other set of men; but nothing is impossible for those ministers in the scale of absurdity or madness to attempt. This would no doubt be said, and what must have been the astonishment, what the feelings, what the transport of Frenchmen, when they perceived Great Britain go to war with the Dutch without a cause?—for he declared he never yet could discover a cause for which we went to war with that power, forgetting all the interests, all the policy, and all the connection by which we had ever been, and ought always to be, guided with respect to her. What must have been the exultation of Frenchmen, when they saw the fleets of Admiral Parker and Admiral Zoutman—fleets that ought never to have met in any sea but on terms of friendship—meet to tear one another to pieces; in short, it was impossible for any set of men, however well inclined they might be to serve the interests of France, to serve her more effectually than his Majesty's Ministers had done; and yet we were constantly hearing the Ministry exclaim against the perfidy of France: they made his Majesty, from the throne, speak, in the same style, of the restless ambition and the perfidy of France. He exceedingly wished that, as we could not give them hard blows, we would be decent enough not to give them hard words; but it was the fashion of his Majesty's Ministers; they loved to talk in bitter terms. But why was the perfidy of France so bitterly inveighed against? Was that anything new? Was the treachery of France of a late date, or her enmity to this country, or her desire to weaken us, or her restless ambition? They were all established as axioms in politics; and none but the present statesmen would have suffered themselves to be deluded by professions to the contrary, however speciously they might be made, especially when there was incontestible evidence against them, in the preparations which they were making in all their ports.

"The honourable gentleman who had seconded the motion, had strongly called for unanimity, and afterwards recommended the prosecution of the American war. Were the Ministry confident enough to expect that there could be unanimity on that subject? Had they not, from the outset, declared their firm, unequivocal abhorrence of it? Had they not declared and predicted what had come to pass? Had they not, by every argument and means which respectful zeal could suggest, called upon, urged, and instigated them to put an end to a war which could only be productive of ruin and disgrace? Every period of it had been marked with disaster, and the last misfortune was such as took away the final hope, even of the most violent abettors of the war.* The honourable gentleman had said, that we could not blame the unfortunate and gallant lord who commanded the brave army in Virginia; that we must receive him with praises, for victories had been the preludes to the surrender of his army. He would join that honourable gentleman in bestowing the warmest praises on the noble earl; for not to him did he impute the disaster, but to the Ministry, by whose savage obstinacy he was ordered to persevere in an expedition against the evidence both of fact and reason. But had not all the transactions of this war been of the same sort? Had not all the generals been brave, and all unfortunate? The conquest of Ticonderago had concluded in the surrender of Saratoga.† The victory of Brandywine had ended in the recall of Sir William Howe; and the battle of Camden in the capitulation at York. It had been with Earl Cornwallis as it was with General Burgoyne:

> 'The paths of glory lead but to the grave.'

It had always happened so, and it must always happen so, in the prosecution of this disastrous war. General Burgoyne had been brave; General Burgoyne had failed; and General Burgoyne had been reviled, persecuted, and proscribed; so had General Sir William Howe; so, perhaps, in his turn, would be the brave and unfortunate Earl Cornwallis: though he did not know where these candid men intended to fix the blame, whether upon Lord Cornwallis, or on Sir Henry Clinton, or on both; or on Admiral Graves, or on all.‡ But it would soon be discovered; their dirty literary engines would be set to work, and calumny would come forth in all the insidious garbs that inventive malice could suggest. They would place the blame anywhere, but in the right place: in their own weakness, obstinacy, inhumanity, or treason. To some one of these causes the blame was to be attributed, and not to any failure in the execution of their plans. Two years since, a right honourable friend of his had moved the House, that our troops should be withdrawn from America, under a firm persuasion that the French troops joined to the Americans would be irresistible; and that, left to themselves, their jealousy of one another, and their passions, might be favourable to Great Britain. The motion was rejected, because it was said to be impossible that the Americans should suffer a French army to enter into their provinces. So little did his Majesty's Ministers know of the intentions, or of the disposition of the people with whom they were at war! The event now confirmed the idea of his right honourable friend, whose military knowledge of the colonies would not be disputed. Now, then, put a period to the contest. The French and the Americans are joined. The French and the Americans have taken an army. There was no part of the unfortunate disaster at York-town so portentous as that circumstance, or that gave him so much concern. It led to more fatal consequences than the loss of seven thousand men. The circumstance of this conquest being accomplished by the combined army of France and America, would superinduce a claim of acknowledgment and of gratitude, that would tie the two people together in an alliance of friendship, and give rise to commercial connections which would shut out the only prospect that remained for this country of re-establishing a friendly intercourse with America, and of having the benefit of her trade. Some of the persons belonging to his Majesty's council were not so sanguine as others. Some, for whom he entertained respect, as private gentlemen, were not so sanguine as to believe, that if the people of America were really determined against us we could ever reduce them to obedience. One of these, for whom he had great respect, a right honourable gentleman on the floor (Mr. Rigby), had said, upon the capture of Charlestown, that if that event did not produce fortunate conclusions in our favour, he should despair of success, and be ready to acknowledge that it was an improper and mad thing to continue the contest. Now, then, he called upon the right honourable gentleman to stand up, and in the face of the world to act up to his promises; for it was now proved, that the capture of Charlestown had concluded in the surrender of an army. Had any other consequence arisen from it? No; none. The right honourable gentleman, who professed to be open, and disdained the insidious dealing of saying one thing one day and another the next, just as it might suit the occasion, would rise, therefore, he trusted, and call upon his Majesty's Ministers to put an end to this war.

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* The misfortune to which Mr. Fox alludes was the surrender at York-town, on the 19th of October, 1781, to the combined forces of France and America, of Earl Cornwallis and the troops, to the amount of about six thousand men, under his command, as well as of the vessels in the harbour.—See Annual Register, vol. xxiv., ch. 7, *passim.*

† Burgoyne, upon his retreat to Saratoga, being much straitened for provisions, and finding that the forces of the enemy were greatly superior in number to his own, and that they almost encircled them, called a council of war, at which it was unanimously resolved to enter into a convention with General Gates for the surrender of the army. After a short negotiation, the convention was concluded on the 17th of October, 1777; and it was agreed that the British troops should march out of their camp with all the honours of war, and have a free passage from Boston to Europe, upon condition of not serving again during the war.

‡ The British fleet and army, under Admiral Graves and Sir Henry Clinton, and intended for the relief of Earl Cornwallis, arrived off the Chesapeake on the 24th of October, five days after the surrender at York-town; having started from New York on the day on which the British army surrendered.

"There was one circumstance in the conduct and language both of the Ministers, and of men of all parties, which he could not help taking notice of; it was, that, amidst all their sorrow for the loss of Earl Cornwallis and his brave army, there was one thing which gave them great consolation, and for which they were grateful: it was, that our fleet had not ventured to fight the enemy. Hear it, Mr. Speaker," said the honourable gentleman;

"it is a source of joy, new in the history of Great Britain, that we rejoice on the occasion of one of our fleets not venturing to meet and fight the enemy! To this even were we reduced, and our joy on the circumstance was well founded! The honourable gentleman who seconded the motion had given great praise to Earl Cornwallis, and justly so, as he had already said; but, in his opinion, the most brilliant part of the noble earl's conduct was, that, even in the midst of his embarrassment, in the very moment of peril, when he expected every hour to be assaulted, and himself, with the whole army, to be put to the sword, he retained and expressed the purest patriotism and love for his country, in the anxiety which he showed for the safety of the fleet! 'Do not venture to relieve me, my fate is determined; do not decide the fate of our country by including yourselves in the disaster.' But, indeed, the whole conduct of Lord Cornwallis was great and distinguished; where enterprise, activity, and expedition were wanted, no man had more of these qualities. At last, when prudence became necessary, he took a station which, in any former period of our history, would have been a perfect asylum. He planted himself in York and Gloucester, and preserved a communication with that which used to be the country and the dominion of Great Britain: a communication with the sea. It used to be the country of an English commander, to which he could retire with safety, if not with fame. It used to be the country on which he was invincible, whatever might be his strength on shore. Here it was that Earl Cornwallis was stationed on the borders of Great Britain, and by which he preserved a communication with New York, nay, with the city and the port of London. But even this was denied him; for the ocean was no more the country of an Englishman, and the noble lord was blocked up, though planted on the borders of the sea; nay, was reduced even to thank God that a British fleet did not attempt his rescue. He said, he was far from meaning to insinuate that Admiral Graves was in fault; the ablest commander in the universe would have acted as he did, even Lord Hawke: the great and the gallant Lord Hawke, whose name he might now use with reverence, as he was no more,—for it was not the fashion to venerate living authorities,—and whose memory would ever be held dear as the father of the British navy, would have acted in the same manner. He who lived during the splendour of the British navy, and who, perhaps, was happy to retire that he might not live in its decline; even he would have acted in the same manner." Mr. Fox said, "he had taken a good deal of pains to inquire; he had conversed with the ablest officers on the subject; and he had it in his power to do so, for all the ablest officers were on shore;* and they declared unanimously, that it would have been madness in Admiral Graves to have ventured to attack the French fleet in their position in the Chesapeake; that it could not have been done without the utmost risk of losing the whole fleet, as well as the army that was on board. How different was this from what it used to be in the English navy! In former wars, to meet an enemy and to fight, to command a squadron and to vanquish, was the same thing. A British admiral knew not what it was to retreat from a French squadron, or be apprehensive of engaging them. But this, among other things, the Earl of Sandwich had introduced into the service of Great Britain. He had made it an essential part of the duty of an English admiral to run away from an enemy. He, that first lord of the admiralty, who had declared in his place, in the House of Peers, that he deserved to lose his head if he ever failed to have a fleet equal to the combined naval power of France and Spain—he had forfeited the penalty of his bond; the Earl of Sandwich had forfeited his head, for the Earl of Sandwich had not a fleet in any quarter of the world equal to that of the House of Bourbon! In America, the British squadron, under Admiral Graves, amounted to twenty-five sail of the line. The French squadron, under De Grasse, to thirty-five sail; in America, then, we were unequal. In the West Indies a decided superiority against us had been manifested by the occurrences of the campaign. We had lost the island of Tobago;[*] a large Spanish squadron was now triumphant in those seas, unopposed by any British force whatever, capable and ready to do what they pleased. True; we had taken a defenceless island,[†] and disgraced ourselves by the capture: a capture productive of no good (no national good, he meant, for undoubtedly the conquerors would have benefited by the plunder), and by which he had brought upon our name and arms the greatest stigma that could fall upon an enlightened nation—that of barbarity.

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* This arose from the determination which had been come to by Lord Howe, Admiral Keppel, Sir Robert Harland, Captain Leveson Gower, Sir John Lindsay, and some other naval officers of high repute, either to quit the service, or not to act so long as the present ministers continued in office.—Annual Register, vol. xxii., pp. 119, 121.

"In the West Indies, then, we were inferior, and so inferior that there was not a man of any experience who did not tremble for the safety of our dearest possessions in those seas. Unequal in those two places, it might be thought that our great superiority was employed in some exploit in another part of the world. Where? How? Was it in Europe? In Europe, the Channel fleet did not, at any time, consist of more than twenty-seven ships of the line, and the combined fleets amounted to forty-seven sail, and blocked up the mouth of the English Channel, claimed the proud dominion of the seas on our coasts, and took within our view a valuable and a numerous fleet of traders.[‡] In the English Channel, then, we were inferior. But, perhaps, in the northern seas there was a great commanding squadron to overcome or to destroy the Dutch marine! Was there so? Admiral Parker met and fought the enemy with an inferior force; and there was a circumstance that occurred in this part of our naval management which gave a most striking picture of the admiralty system.* After Admiral Parker had written home to inform the board that the Dutch squadron was much larger than they had given him to understand or expect, they dispatched a cutter to him with the intimation that there were two ships lying at Harwich, fully equipped and ready for sea at an hour's notice, which he might have if he desired them. Instead of sending these ships, in consequence of the information which the Admiral had given them, they sent a cutter, and lost the opportunity. Admiral Parker met the Dutch fleet in the meantime, and fought without the addition of these ships, by which, perhaps, and indeed in all probability, he would have procured a decisive victory, and have destroyed or maimed the Dutch force for the rest of the war. But by this ignorant, treasonable conduct, instead of a victory, there was only a drawn battle. But, perhaps, we had been superior in the Mediterranean, and in the Baltic! No; in the Mediterranean we durst not even attempt to relieve an invested island, the island of Minorca;† nor relieve a blockaded garrison, the garrison of Gibraltar:‡ two places that were always hitherto considered to be of the last importance. In the Baltic, we had given up the right of fighting, even when attacked; we must not dare to fire a gun in the Baltic. In the European seas, then, we had been unequal to the enemy in all the operations of the campaign. In the East Indies we were not superior to the enemy. He had heard, in the King's speech, of the prosperous state of affairs in the east, but he professed he knew of no prosperity in that quarter. Was there any news of conquest, or of advantage, or even of escape, come from the east? It was a hidden secret to everybody with whom he conversed; and, he believed, was to be found nowhere but in the King's speech. In every corner of the world, then, were we inferior to the enemy; and yet, with a fleet diminished and inferior, rendered still more weak by the infamous

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[*] The French captured Tobago, in June, 1781; but De Bouillé only effected its reduction by the inhuman practice of burning four plantations every day, until the governor capitulated.—Adolph. Hist. of the Reign of Geo. III., vol. iii., p. 262.

[†] St. Eustasius, a Dutch West-India island, captured by Admiral Sir George Rodney and General Vaughan, on the 3rd of February, 1781. See Mr. Burke's speech on his motion for an inquiry into the seizure and confiscation of private property in the above island.—Parl. Hist., vol. xxii., p. 218 *et seq.;* and Burke's Speeches, vol. ii., p. 245 *et seq.*

[‡] In August, 1780, a fleet of five-and-forty East and West Indiamen, which had sailed from Portsmouth at the latter end of July, were taken, in the Bay of Biscay, by the combined fleets of France and Spain, and carried into Cadiz. The total number of

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persons, including seamen, soldiers, officers, and passengers, made prisoners on this occasion, amounted to two thousand eight hundred and sixty-five.

* Admiral Parker, on his return from Elsinore with a large convoy, fell in with Admiral Zoutman, who had sailed from the Texel also with a large convoy, but with a force considerably superior. The hostile fleets came in sight of each other on the Doggerbank, early on the 5th of August, 1781. After a desperate conflict, in which the ancient naval emulation of the two countries was exhibited, the disabled state of the ships on both sides put an end to the engagement, in which neither side could claim a victory.

† Minorca was attacked by the combined forces of France and Spain; and, after a vigorous resistance, the governor was, at length, on the 5th of February, 1782, compelled to surrender. No attempt whatever had been made to relieve the Island during a siege of one hundred and seventy-one days.

‡ Gibraltar was in a state of siege from June, 1779, to the 2nd of February, 1783, when the announcement that the preliminaries of a general peace had been signed, put an end to hostilities.

manner in which it was directed. After the present disaster to our arms in Virginia, with the same men to conduct—and what was worse, with the same system—were we, the representatives of the people of Great Britain, called upon to address the Crown, and promise to support his Majesty in the same pursuit that had brought us to this state!

"In giving this detail of our situation, he had avoided entering into the minute and subordinate measures of government. He had confined himself merely to the leading features of their management, and of our situation; and though he had not enumerated our domestic grievances, he by no means forgot or despised them. There was one grand domestic evil, from which all our other evils, foreign and domestic, had sprung: the influence of the Crown. To the influence of the Crown we must attribute the loss of the army in Virginia; to the influence of the Crown we must attribute the loss of the thirteen provinces of America; for it was the influence of the Crown in the two Houses of Parliament, that enabled his Majesty's ministers to persevere against the voice of reason, the voice of truth, the voice of the people. This was the grand parent spring from which all our misfortunes flowed. But still, as he had said before, this picture of our situation was more distant from dejection than the serious picture of the honourable gentleman who spoke before him; for all these calamities were connected with the system, and the men in power. Change the one *in toto*, and remove the other, and you would purify the fountain-head, by which all the flood was contaminated.

"He called upon the House to know whether they were still ready to go on with this accursed and abominable war. He called upon them, as the representatives of the people, and not as the creatures of the Minister, to do their duty: to execute the trust reposed in them, and to act up to the sentiments that they really felt. Did they really believe that we could ever conquer America? He desired them to lay their hands upon their hearts, and proclaim in the presence of God and men, whether they thought that all the power of Great Britain, strained and exerted, was equal to the task. He would leave the question to this conscientious test, and he would venture to say that if no man, but he who thought the contrary of this would presume that night to vote for the address, the minister would be left in the smallest minority that was ever known in that House; nay, he believed in his soul, that the Minister himself would vote against the war. Were they determined rashly and vehemently to go on? Had they not done enough for the Minister, and was it not now sufficient time to do something for their constituents? In his own opinion, no address whatever should be sent up to the throne, until they had an opportunity of going down to their constituents, and consulting with them on the matter. They, and they only, were to pay for the continuance of the war, and it was fit and necessary that they should give their instructions. But though this was his own immediate opinion, he was willing to take a more gentle course, for he desired unanimity as much as the honourable gentleman who spoke before him; and, therefore, he would move to amend the motion for the address, by the substitution of a clause in the room of a great part of that now in the hand of the Speaker. The violent epithets and abuse against the French, though he did not approve of them, were yet become so familiar to the House, and the Ministry were become so much in love with them, perhaps using them to conceal their good offices in a more substantial way, that he did not very earnestly object to them. The part to which he could not agree, was all that which went to the continuance of the American war, and which was couched in the most cunning and insidious language. The amendment which he should propose, would give his Majesty the assurance of their loyalty and zeal, and would promise in a more effectual way to support the essential rights and permanent interests of his empire. He concluded with moving to leave out from the words 'and we,' in the third paragraph, to the end of the paragraph, in order to insert these words: 'Will, without delay, apply ourselves with united hearts to prepare and digest such counsels as may in this crisis excite the efforts, point the arms, and, by a total change of system, command the confidence of all his Majesty's subjects,' instead thereof.

Mr. Fox's amendment having been rejected by a majority of 218 to 129, the original address was agreed to.

Mr. Fox's East India Bill.

The embarrassed state into which the affairs of the East India Company had fallen was admitted by all parties to demand some early and important measure of reform. In the speech from the throne at the opening of the Session, on the 11th of November, 1783, his Majesty stated, as a principal object for the consideration of Parliament, the situation of the company. "The utmost exertions of their wisdom," he said, "would be required to maintain and improve the valuable advantages derived from our Indian possessions, and to promote and secure the happiness of the native inhabitants of those provinces." Accordingly, on the 18th of November, Mr. Fox, then secretary for foreign affairs in the coalition administration, obtained leave to bring in two bills, one "For vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and public;" and the other, "For the better government of the territorial the possessions and dependencies in India." By the former of these measures it was proposed to abolish the courts of directors and proprietors, and to commit the entire government and management of their territorial possessions, revenues, and commerce, with all the powers formerly vested in the directors and proprietors, to seven directors, to be named in the Act, for the space of four years. Under the orders of this board, and for the sole purpose of managing the commerce of the company "nine assistant directors," each a proprietor of stock, to the amount of £2,000, were to be appointed. Vacancies in the directory were to be filled up by the king, and those in the assistant directory by a majority of proprietors at an open election. These were to be removable by five of the chief directors for reasons properly specified; and both classes might be superseded by the King upon the address of either House of Parliament. The chief directors, who were to be appointed the first time by the legislature, were, Earl Fitzwilliam, chairman of the board, the Honourable Frederick Montague, Lord Lewisham, the Honourable George Augustus North, eldest son of Lord North, Sir Gilbert Elliott, Baronet, Sir Henry Fletcher, Baronet, and Robert Gregory, Esquire. The second bill related chiefly to the powers granted to the Governor-general and Council in India, and to the conduct to be observed by them towards the natives.

The plan for governing India, avowed in the two bills just described, excited a deep sensation throughout the country, and awakened no ordinary feeling in Parliament. Previously to the second reading of the former bill, the corporation of London presented a petition to the House of Commons, expressing their alarm at the powers intended to be given by it, and praying that it might not pass. The East India Company were also heard by counsel, at the bar of the House, against the same bill, but, notwithstanding all the opposition to it, the motion for its committal was carried by a majority of 229 to 120.

1783. *December* 1. On the order of the day being read for the House to resolve itself into a Committee of the whole House, upon the bill "For vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public," Mr. Powys opposed the Speaker's leaving the chair, and was supported in his opposition to the bill by Mr. Duncombe, Mr. Martin, Mr. W. Pitt, Mr. Dundas, Mr. Ord, Mr. Beaufoy, Mr. T. Pitt, and Mr. Arden. The bill was defended by Mr. Burke,* Lord John Cavendish, Mr. Fox, Sir G. Cooper, Mr. Gregory, and the Solicitor-general (Mr. Mansfield).

Mr. Secretary Fox delivered himself to the following effect:—

"SIR,

"THE necessity of my saying something upon the present occasion is so obvious, that no apology will, I hope, be expected from me for troubling the House even at so late an hour (two o'clock in the morning). I shall not enter much into a detailed or minute defence, of the particulars of the bill before you, because few particular objections have been made; the opposition to it consisting only of general reasonings, some of little application, and others totally distinct from the point in question.

"This bill has been combated through its past stages upon various principles; but to this moment the House has not heard it canvassed upon its own intrinsic merits. The debate, this night, has turned chiefly upon two points—violation of charter, and increase of influence; and upon both these points I shall say a few words.

"The honourable gentleman, who opened the debate (Mr. Powys) first demands my attention, not indeed for the wisdom of the observations which fell from him this night, (acute and judicious as he is upon most occasions,) but from the natural weight of all such characters in this country, the aggregate of whom should, in my opinion, always decide upon public measures; but his ingenuity was never, in my opinion, exerted more ineffectually, upon more mistaken principles, and more inconsistently with the common tenor of his conduct, than in this debate.

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* See Speech of Mr. Burke on this occasion, vol. i., p. 666 *et seq.*

"The honourable gentleman charges me with abandoning that cause, which, he says, in terms of flattery, I had once so successfully asserted. I tell him, in reply, that if he were to search the history of my life, he would find that the period of it, in which I struggled most for the real, substantial cause of liberty, is this very moment that I am addressing you. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by any other power is despotism. This bill, instead of subverting, is destined to give stability to these principles; instead of narrowing the basis of freedom, it tends to enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

"What is the most odious species of tyranny? Precisely that which this bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow-creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless labourer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation; in a word, that thirty millions of men, gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism unmatched in all the histories of the world.

"What is the end of all government? Certainly the happiness of the governed. Others may hold other opinions; but this is mine, and I proclaim it. What are we to think of a Government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandizement grows out of the miseries of mankind? This is the kind of government exercised under the East India Company upon the natives of Hindostan; and the subversion of that infamous government is the main object of the bill in question. But in the progress of accomplishing this end, it is objected that the charter of the company should not be violated; and upon this point, Sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and its failure arises from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that that trust should not be resumed, and delivered to other hands, more especially in the case of the East India Company, whose manner of executing this trust, whose laxity and languor have produced, and tend to produce consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted?—I beg of gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our Government. These kinds of arguments are batteries against the main pillar of the British constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the Revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every king: yet, with all my attachments to the person of a first magistrate, had I lived in the reign of James the Second I should most certainly have contributed my efforts, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, 'that trust abused is revocable.'

"No man, Sir, will tell me, that a trust to a company of merchants stands upon the solemn and sanctified ground by which a trust is committed to a monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution with a thousand valuable improvements and advantages at the Revolution, and who, at this moment, rise up the champions of the East India Company's charter, although the incapacity and incompetency of that company to a due and adequate discharge of the trust deposited in them by that charter are themes of ridicule and contempt to the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonoured. To rescue that name from odium and redeem this character from disgrace are some of the objects of the present bill; and gentlemen, should indeed, gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

"Those who condemn the present bill as a violation of the chartered rights of the East India Company, condemn, on the same ground, I say again, the Revolution as a violation of the chartered rights of King James II. He, with as much reason, might have claimed the property of dominion; but what was the language of the people? 'No, you have no property in dominion; dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed; it was a sacred trust delegated by compact; you have abused that trust; you have exercised dominion for the purposes of vexation and tyranny—not of comfort, protection, and good order; and we, therefore, resume the power which was originally ours: we recur to the first principles of all government—the will of the many; and it is our will that you shall no longer abuse your dominion.' The case is the same with the East India Company's government over a territory, as it has been said by my honourable friend (Mr. Burke), of 280,000 square miles in extent, nearly equal to all Christian Europe, and containing thirty millions of the human race.* It matters not whether dominion arises from conquest or from compact. Conquest gives no right to the conqueror to be a tyrant; and it is no violation of right to abolish the authority which is misused.

"Having said so much upon the general matter of the bill, I must beg leave to make a few observations upon the remarks of particular gentlemen; and first of the learned gentleman over against me (Mr. Dundas). The learned gentleman has made a long and, as he always does, an able speech; yet, translated into plain English, and disrobed of the dexterous ambiguity in which it has been enveloped, what does it amount to? To an establishment of the principles upon which this bill is founded, and an indirect confession of its necessity. He allows the frangibility of charters when absolute occasion requires it, and admits that the charter of the company should not prevent the adoption of a proper plan for the future government of India, if a proper plan can be achieved upon no other terms. The first of these admissions seems agreeable to the civil maxims of the learned gentleman's life, so far as a maxim can be traced in a political character so various and flexible: and to deny the second of these concessions was impossible, even for the learned gentleman, with a staring reason upon your table, I mean the learned gentleman's bill of last year, to confront him if he attempted it.† The learned gentleman's bill, and the bill before you, are grounded upon the same bottom, of abuse of trust, mal-administration, debility, and incapacity in the company and their servants; but the difference in the remedy is this: the learned gentleman's bill opens a door to an influence a hundred times more dangerous than any that can be imputed to this bill, and deposits in one man an arbitrary power over millions, not in England, where the evil of this corrupt ministry could not be felt, but in the East Indies, the scene of every mischief, fraud, and violence. The learned gentleman's bill afforded the most extensive latitude for malversation; the bill before you guards against it with all imaginable precaution. Every line in both the bills, which I have had the honour to introduce, presumes the possibility of bad administration, for every word breathes suspicion. This bill supposes that men are but men; it confides in no integrity, it trusts no character; it inculcates the wisdom of a jealousy of power, and annexes responsibility, not only to every action, but even to the inaction of those who are to dispense it. The necessity of these provisions must be evident, when it is known that the different misfortunes of the company resulted not more from what the servants did, than from what the masters did not.

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* *Vide* vol. i., p. 673 and note.

† The principal objects of Mr. Dundas's bill were to invest the Governor-general with a power to act, on his own responsibility, against the opinion of his council, whenever he should think it necessary for the public good to do so; to allow the subordinate governors a negative on every proposition until the determination of the supreme council should be known; and to secure to the Zemindars a permanent interest in their tenures.

"To the probable effects of the learned gentleman's bill and this, I beg to call the attention of the House. Allowing, for argument's sake, to the Governor-general of India, under the first-named bill, the most unlimited and superior abilities, with soundness of heart, and integrity the most unquestionable, what good consequences could be reasonably expected from his extraordinary, extravagant, and unconstitutional power, under the tenure by which he held it? Were his projects the most enlarged, his systems the most wise and excellent which human skill could adopt; what fair hope could be entertained of their eventual success, when, perhaps, before he could enter upon the execution of any measure, he might be recalled in consequence of one of those changes in the administration of this country, which have been so frequent for a few years, and which some good men wish to see every year? Exactly the same reasons which banish all rational hope of benefit from an Indian administration under the bill of the learned gentleman, justify the duration of the proposed commission. If the dispensers of the plan of governing India (a place from which the answer of a letter cannot be expected in less than twelve months) have not greater stability in their situations than a British Ministry, adieu to all hopes of rendering our eastern territories of any real advantage to this country—adieu to every expectation of purging or purifying the Indian system, of reform, of improvement, of reviving confidence, of regulating the trade upon its proper principles, of restoring tranquillity, of re-establishing the natives in comfort, and of securing the perpetuity of these blessings, by the cordial reconcilement of the Indians with their former tyrants upon fixed terms of amity, friendship, and fellowship! I will leave the House and the kingdom to judge which is best calculated to accomplish those salutary ends—the bill of the learned gentleman, which leaves all to the discretion of one man, or the bill before you which depends upon the duty of several men, who are in a state of daily account to this House, of hourly account to the Ministers of the Crown, of occasional account to the proprietors of East India stock, and who are allowed sufficient time to practise their plans unaffected by every political fluctuation.

"But the learned gentleman wishes the appointment of an Indian secretary-of-state in preference to these commissioners: in all the learned gentleman's ideas on the government of India, the notion of a new secretary-of-state for the Indian department springs up, and seems to be cherished with the fondness of consanguinity;* but that scheme strikes me as liable to a thousand times more objections than the plan in agitation. Nay, the learned gentleman had rather, it seems, the affairs of India were blended with the business of the office which I have the honour to hold. His good disposition towards me upon all occasions cannot be doubted, and his sincerity in this opinion is unquestionable! I beg the House to attend to the reason which the learned gentleman gives for this preference, and to see the plights to which men, even of his understanding, are reduced, who must oppose. He laughs at the responsibility of the commissioners of this House, who, in his judgment, will find means of soothing and softening the members into an oblivion of their mal-administration. What opinion has the learned gentleman of a secretary-of-state? Does he think him so inert, so inactive so incapable a creature, that, with all this vaunted patronage of the seven in his own hands, the same means of soothing and softening would be thrown away upon him? The learned gentleman has been for some years conversant with Ministers; but his experience has taught him, it seems, to consider secretaries not only untainted and immaculate, but innocent, harmless, and incapable. In his time, secretaries were all purity—with every power of corruption in their hands; but so inflexibly attached to rigid rectitude, that no temptation could seduce them to use that power for corrupting, or, to use his own words, for soothing or softening. The learned gentleman has formed his opinion of the simplicity and inaction of secretaries from that golden age of political probity, when his own friends were in power, and when himself was everything but a Minister. This erroneous humanity of opinion arises in the learned gentleman's unsuspecting, unsullied nature, as well as in a commerce with only the best and purest Ministers of this country, which has given him so favourable an impression of a secretary-of-state that he thinks this patronage, so dangerous in the hands of seven commissioners, perfectly safe in his hands! I leave to the learned gentleman that pleasure which his mind must feel under the conviction with which he certainly gives this opinion; but I submit to every man who hears me, what would be the probable comments of the other side of the House had I proposed either the erection of an Indian secretary, or the annexation of the Indian business to the office which I hold.

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* Mr. Dundas's bill was to have appointed a secretary-of-state for the Indian department, and if the Earl of Shelburne had continued in power, it was understood that Mr. Dundas was to be the Indian secretary. Mr. Fox here alludes to this anecdote.

"In the assemblage of the learned gentleman's objections, there is one still more curious than those I have mentioned. He dislikes this bill because it establishes an *imperium in imperio*. In the course of the opposition to this measure, we have been familiarised to hear certain sentiments and particular words in this House—but directed, in reality, to other places. Taking it, therefore, for granted, that the learned gentleman has not so despicable an idea of the good sense of the members as to expect any more attention within these walls to such a dogma, than has been shown to the favourite phrase of his right honourable friend near him (Mr. W. Pitt), who calls a bill which backs this sinking company with the credit of the state a confiscation of their property, I would wish to ask the learned gentleman, if he really holds the understanding, even of the multitude, in such contempt, as to imagine this species of argument can have the very slightest effect? The multitude know the fallacy of it as well as the learned gentleman himself. They know that a dissolution of the East India Company has been wished for scores of years, by many good people in this country, for the very reason that it was an *imperium in imperio.* Yet the learned gentleman, with infinite gravity of face, tells you he dislikes this bill because it establishes this novel and odious principle. Even a glance at this bill compared with the present constitution of the company, manifests the futility of this objection, and proves that the company is, in its present form, a thousand times more an *imperium in imperio* than the proposed commissioners. The worst species of government is that which can run counter to all the ends of its institution with impunity. Such exactly was the East India Company. No man can say, that the directors and proprietors have not, in a thousand instances, merited severe infliction; yet who did ever think of a legal punishment for either body? Now, the great feature of this bill is to render the commissioners amenable, and to punish them upon delinquency.

"The learned gentleman prides himself that his bill did not meddle with the commerce of the company; and another gentleman, after acknowledging the folly of leaving the government in the hands of the company, proposes to separate the commerce entirely from the dominion, and leave the former safe and untouched to the company itself.* I beg leave to appeal to every gentleman conversant in the company's affairs, whether this measure is, in the nature of things, practicable at this moment. That the separation of the commerce from the government of the East may be ultimately brought about, I doubt not; but when gentlemen reflect upon the immediate state of the company's affairs,—when they reflect that their government was carried on for the sake of their commerce,—that both have been blended together for such a series of years; when they review the peculiarly perplexed and involved state of the eastern territories, their dissimilitude to every system in this part of the globe, and consider the deep and laborious deliberation with which every step for the establishment of a salutary plan of government, in the room of the present odious one, must be taken—the utter impossibility of instantly detaching the governing power from interference with the commercial body, will be clear and indubitable.†

"A gentleman has asked, 'Why not choose the commissioners out of the body of directors; and why not leave the choice of the assistant directors in the court of proprietors?' That is to say why not do that which would infallibly undo all you are aiming at? I mean no general disparagement when I say that the body of the directors have given memorable proofs that they are not the sort of people to whom any man can look for the success or salvation of India. Amongst them there are, without doubt, some individuals respectable, both for their knowledge and integrity; but I put it to the candour of gentlemen, whether they are the sort of men whose wisdom, energy, and diligence, would give any promise of emancipating the East India concerns from their present disasters and disgraces. Indeed, both questions may be answered in two words. Why not choose the directors who have ruined the company? Why not leave the power of election in the proprietors who have thwarted every good attempted by the directors?

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* Mr. Beaufoy, in the course of his speech against Mr. Fox's India Bill, proposed that the management of the commerce of the company should be committed to agents to be chosen by them, and that that of their territorial possessions should be assigned to three persons resident in England, and to be nominated by the Crown.

† The monopoly of the trade of Great Britain with all the countries to the east of the Cape of Good Hope continued to be possessed by the East India Company, with some trifling modifications, introduced in 1793, until 1814, when, by the 53rd Geo. III., c. 155, the trade to India was thrown open under certain regulations to British subjects. The company, however, continued to enjoy the monopoly of the China trade until April, 1834; but the act of the previous year, 3 and 4 William IV., c. 85, for continuing the charter until April, 1854, put an end not only to the monopoly in question, but to the company's original character of a commercial association. Under this act the functions of the company have been rendered wholly political.

"The last point adverted to by the learned gentleman relates to influence; and upon his remarks, combined with what fell from some others upon the same subject, I beg leave to make a few observations. No small portion of my life has been employed in endeavours to diminish the inordinate influence of the Crown. In common with others, I succeeded, and I glory in it. To support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first introduced this plan, I now repeat; I re-assert that this bill as little augments the influence of the Crown as any measure which can be devised for the government of India that presents the slightest promise of solid success, and that it tends to increase it in a far less degree than the bill proposed by the learned gentleman. The very genius of influence consists in hope or fear; fear of losing what we have, or hope of gaining more. Make these commissioners removable at will, and you set all the little passions of human nature afloat. If benefit can be derived from the bill, you had better burn it than make the duration short of the time necessary to accomplish the plans it is destined for. That consideration pointed out the expediency of a fixed period; and in that respect it accords with the principle of the learned gentleman's bill: with this superior advantage, that instead of leaving the commissioners liable to all the influence which springs from the appointment of a governor-general, removable at pleasure, this bill invests them with the power for the time specified, upon the same tenure that British judges hold their station, removable upon delinquency, punishable upon guilt, but fearless of power if they discharge their trust, liable to no seducement, and with full time and authority to execute their functions for the common good of the country, and for their own glory. I beg of the House to attend to this difference, and then judge upon the point of increasing the influence of the Crown, contrasted with the learned gentleman's bill.

"The state of the accusations against me upon this subject of influence is truly curious. The learned gentleman (Mr. Dundas), in strains of emphasis, declares, that this bill diminishes the influence of the Crown beyond all former attempts, and calls upon those who formerly voted with him in support of that influence, against our efforts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish that darling influence. He tells them I 'out-herod Herod;' that I am outdoing all my former out-doings; and proclaims me as the merciless and insatiate enemy of the influence of the Crown.

"Down sits the learned gentleman, and up starts an honourable gentleman (Mr. Martin), with a charge against me, upon the same subject, of a nature the direct reverse. 'I have fought under your banner,' cries the honourable gentleman, 'against that fell giant, the influence of the Crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and, now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of influence falls far short of you at this moment; your attempts at re-erecting this monster exceed all the exertions of your former foes. This night you will make the influence of the Crown a colossus that shall bestride the land, and crush every impediment. I impeach you for treachery to your ancient principles—come, come, and divide with us!'

"This honourable gentleman, after a thrust or two at the coalition, sits down; and whilst the House is perplexing itself to reconcile these wide differences, the right honourable gentleman over the way (Mr. W. Pitt), confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox; and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment he has found out that the bill both increases and diminishes the influence of the Crown.

"The bill diminishes the influence of the Crown, says one: you are wrong, says a second, it increases it: you are both right, says a third, for it both increases and diminishes the influence of the Crown! Now, as most members have one or other of these opinions upon the subject, the right honourable gentleman can safely join with all parties upon this point; but few, I trust, will be found to join him.

"Thus, Sir, is this bill combated, and thus am I accused. The nature and substance of these objections I construe as the strongest comment upon the excellence of the bill. If a more rational opposition could be made to it, no doubt it would. The truth is, it increases the influence of the Crown, and the influence of party as little as possible; and if the reform of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, or ignorance, or caprice, shall not raise objections, the affairs of human life must stand still.

"I beg the House will attend a little to the manner in which the progress of this bill has been retarded, especially by the right honourable gentleman (Mr. W. Pitt). First, the members were not all in town, and time was desired upon that account. Next, the finances of the East India Company were mis-stated by me, and time was desired to prove that. The time came, the proofs were exhibited, counsel heard, and yet the issue was, that my former statement, instead of being controverted, became more established by the very proofs which were brought to overturn it. The right honourable gentleman has misrepresented me to-night again : he has an evident pleasure in it, which, indeed, I cannot prevent ; but I can prevent this House and the country from believing him. He prefers the authority of his own conception (eager enough in all conscience to misunderstand me) of what I said, to my own repeated declarations of my own meaning. He supposes a mistake because he wishes it. I never did say the company were absolute bankrupts to the amount of the debt ;* but I said there was immediate necessity of paying that given sum, without any immediate means of providing for it. The account of the company's circumstances, presented last week, furnished matter of triumph to the right honourable gentleman for the full space of three hours, that is to say, whilst counsel were at the bar. I made no objection to the account but this trifling one : that twelve millions were stated which ought not to appear at all there, and which were placed there only for delusion and fallacy! I never objected to the arithmetic of the account. The sums, I doubt not, were accurately cast up even to a figure : yet the House will recollect, that the right honourable gentleman, about this very hour of that debate, endeavoured to protract the business to the next day, upon assuring the House that the company would then support their statement. I refused to accede, because I knew the matter to be mere shifting and manœuvring for a vote, and that the company could not support their statement. Was I right ? The House sees whether I was ; the House sees the finance-post is now totally abandoned, and for the best reason in the world, because it is no longer tenable. But the right honourable gentleman is, indeed, a man of resources : he now gives me a challenge, and I beg the House to remark, that I accept his challenge, and that I prophesy he will no more meet me upon this than upon the former points.

" But there is no limit to a youthful and vigorous fancy. The right honourable gentleman just now, in very serious terms, and with all his habitual gravity, engages, if the House will join in opposing us to-night, that he will digest and methodise a plan, the outline of which he has already conceived. He has nothing now to offer ; but, justly confiding in the fertility of his own imagination, and the future exercise of his faculties, he promises that he will bring forward a plan, provided the majority of this House will join him to-night. Now, if ever an idea was thrown out to pick up a stray vote or two in the heel of a debate, by a device, the idea given a while ago by the right honourable gentleman is precisely such ; but if I can augur rightly from the complexion of the House, his present will have exactly the same success with all his past stratagems to oppose this bill.

" The learned gentleman (Mr. Dundas), with singular placidness, without smile or sneer, has said, ' as this measure was probably decided upon some time since, the East India Company, who could not expect such a blow, ought to have been informed of the intended project. The company was evidently unaware of this attack, and, in fairness, should have been apprised of it.' Does the learned gentleman imagine men are in their sober senses, who listen to such cavilling and quibbling opposition? The company unaware of this attack! The learned gentleman's own labours, independent of any other intimation, had been an ample warning to the company to be prepared. Every man in the kingdom who reads a newspaper expected something; and the only wonder with the nation was, how it could be so long delayed. The reports of the committee alarmed the public so much, for the honour of the country, and for the salvation of the company, that all eyes were upon East India affairs. This sort of observation had, indeed, much better come from any other man in this House than from that identical gentleman.

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* The company's debt amounted to £11,200,000.

"But if these were not sufficient to rouse the attention and diligence of the company, his Majesty's speech at the commencement and conclusion of the late session of Parliament, gave them note of preparation in the most plain and decisive terms. In his opening speech, his Majesty thus speaks to Parliament upon the subject of India:—'The regulation of a vast territory in Asia opens a large field for your wisdom, prudence, and foresight: I trust that you will be able to form some fundamental laws which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our Government. You may be assured that whatever depends upon me shall be executed with a steadiness which can alone preserve that part of my dominions, or the commerce which arises from it.'

"The learned gentleman, who knows more of the dispositions of the cabinet at that time than I do, can better tell whether any measure of this nature was then intended. The words are very wide, and seem to portend, at least, something very important; but whether anything similar to this measure was meant, as this passage seems to imply, or not, is indifferent to the point in question. This is clear from it, that it gives a very ceremonious warning to the East India Company; enough surely to expose the weakness and futility of the learned gentleman's remark. The changes and circumstances of the cabinet, in the course of the last session, can be the only excuse for the delay of some decisive measure with regard to India; and if, in addition to all these, anything more is requisite to confirm the notoriety of Parliament being about to enter upon the business, the following paragraph of the king's closing speech, last July, completes the mass of evidence against the learned gentleman. His Majesty, after intimating a belief that he shall be obliged to call his Parliament together earlier than usual, thus speaks:—'The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.' Superadd to all this, the part of the King's opening speech this year upon India; and if the whole do not constitute sufficient testimony that the company had full notice, nothing can.

"Yet, notwithstanding all this, the learned gentleman accuses us of surprising the company; and his right honourable friend, in hopes his proposal of another bill may have weight in the division, repeats the hackneyed charge of precipitation, and forces the argument for delay in a taunt, 'that we wish to get rid of our torments, by sending this bill to the other House.' The right honourable gentleman's talents are splendid and various; but I assure him, that all his efforts for the last eight days have not given me a single torment. Were I to choose a species of opposition to insure a ministerial tranquillity, it would be the kind of opposition which this bill has received, in which everything brought to confute has tended to confirm, and in which the arguments adduced to expose the weakness have furnished materials to establish the wisdom of the measure: so impossible is it, without something of a tolerable cause, even for the right honourable gentleman's abilities to have effect, though his genius may make a flourishing and superior figure in the attempt!

"Before I proceed to the other parts of the debate, I wish to say one word upon a remark of the learned gentleman. He says, that the clause relative to the Zemindars was suggested by his observations. God forbid I should detract from the merit or diminish the desert of any man! Undoubtedly that excellent part of the Regulation Bill originated with the learned gentleman; and if he had been in this House when I introduced the subject of India, he would have known that I did him full and complete justice upon that point.

"My noble friend (Lord John Cavendish), has said, that this bill does not arise from the poverty of the company, but that liberal policy and national honour demanded it. Upon the last day this bill was debated, I confined myself chiefly to the demonstration of the fallacy and imposture of that notable schedule presented by the East India Company; and having proved its falsehood, I can now with the greater safety declare, that if every shilling of that fictitious property was real and forthcoming, a bill of this nature would not, therefore, be the less necessary. I thought we were fully understood upon this point, from the opening speech in this business, which did not so degrade the measure as to say it originated in the poverty of the company, which, as my noble friend rightly remarks, was the smallest reason for its adoption, and which opinion is not, as the right honourable gentleman insinuates, 'shifting,' but recognising and recording the true grounds of the bill. If any misunderstanding, then, has hitherto taken place upon this head, it will, I trust, cease henceforth, and so odious a libel upon this country will not pass current, as that sordid motives only induced the Government of England to that which we were bound to do, as politicians, as Christians, and as men, by every consideration which makes a nation respectable, great, and glorious.

"Having vindicated the bill from this aspersion, and founded it upon that basis which every honest and sensible man in England must approve, I may be allowed to say, that some regard may be had even to the mean and mercenary upon this subject—a portion of whom we have here, in common with all other countries. Will such men endure with temper a constant drain upon this kingdom, for the sake of this monopolising corporation? Will those, for instance, who clamour against a twopenny tax,* afford, with good humour, million after million to the East India Company? The sinking-fund is, at this moment, a million the worse for the deficiencies of the company, and as the noble lord (John Cavendish) says, an extent must in three weeks arrest their property, if Parliament does not interpose or enable them to discharge a part of their debt to the Crown. Let those, therefore, who think the commerce ought to be instantly separated from the dominion (were that at this time possible), and who think it ought to be left wholly in the present hands, reflect, that the formation of a vigorous system of government for India is not more incumbent upon us than the establishment of the eastern trade upon such principles of solidity and fitness, as shall give some just hopes that the public may be speedily relieved from the monstrous pressure of constantly supporting the indigence of the company.

"I have spoken of myself very often in the course of what I have said this night, and must speak still more frequently in the course of what I have to say: the House will see this awkward task is rendered indispensable, infinitely more having been said concerning me, during the debate, than concerning the question which is the proper subject of agitation. The right honourable gentleman (Mr. W. Pitt), says, that nothing ever happened to give him an ill-impression of my character, or to prevent a mutual confidence. He says rightly; there have been interchanges of civility, and amicable habits between us, in which I trust I have given him no cause to complain. But, after pronouncing a brilliant eulogy upon me and my capacity to serve the country, the right honourable gentleman considers me at the same time the most dangerous man in the kingdom." Mr. Pitt said, across the House, "dangerous only from this measure:" to which Mr. Fox instantly made this reply: "I call upon the House to attend to the right honourable gentleman; he thinks me dangerous only from this measure, and confesses, that hitherto he has seen nothing in my conduct to obliterate his good opinion. Compare this with his opposition during the last and the present session. Let every man reflect, that, up to this moment, the right honourable gentleman deemed me worthy of confidence, and competent to my situation in the State. I thank him for the support he has afforded to the minister he thus esteemed, and shall not press the advantage he gives me, farther than leaving to himself to reconcile his practice and his doctrine in the best manner he can.

"The right honourable gentleman could not for one night pass by the coalition, yet I think he might have chosen a fitter time to express his indignation against the noble lord (North) than the present moment. An attack upon the noble lord in his presence would bear a more liberal colour; and the cause of his absence now,* would surely rather disarm than irritate a generous enemy. There are distinctions in hatred, and the direst foes upon such occasions moderate their aversion. The coalition is, however, a fruitful topic, and the power of traducing it, which the weakest and meanest creatures in the country enjoy and exercise, is, of course, equally vested in men of rank and parts, though every man of parts and rank would not be apt to participate in the privilege. Upon the coalition, the right honourable gentleman is welcome to employ his ingenuity; but upon another subject alluded to by him, I shall beg leave to advise, nay, even to instruct him.

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* The receipts' tax.

"In what system of ethics will the right honourable gentleman find the precept taught of ripping up old sores, and reviving animosities among individuals, of which the parties themselves retain no memory?† This kind of practice may incur a much worse charge than weakness of understanding, and subject a man to much greater imputations than are commonly applied to political mistakes or party violence. The soundness of the heart may be liable to suspicion, and the moral character be in danger of suffering by it, in the opinion of mankind. To cover the heats and obliterate the sense of former quarrels between two persons, is a very distinguished virtue: to renew the subject of such differences, and attempt the revival of such disputes, deserves a name which I could give it, if that right honourable gentleman had not forgotten himself, and fallen into some such deviation. He values himself, I doubt not, too much again to make a similar slip, and must even feel thankful to me for the counsel I thus take the liberty to give him.

"An honourable gentleman under the gallery (Mr. Martin), to whom an abuse of the coalition seems a sort of luxury, wishes that a starling were at the right hand of the chair to cry out 'disgraceful coalition!' Sir, upon this subject I shall say but a few words. The calamitous situation of this country required an Administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an Administration could not be formed without some junction of parties; and if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country; as it is well known that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble lord in the blue ribbon no longer existed; his personal character stood high; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble lord. A similar junction, in 1757,‡ against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalship of all its enemies. The country, when we came into office, bore not a very auspicious complexion; yet, Sir, I do not despair of seeing it again resume its consequence in the scale of nations, and again make as splendid a figure as ever. Those who asserted the impossibility of our agreeing with the noble lord and his friends, were false prophets; for events have belied their augury. We have differed like men, and like men we have agreed. A body of the best and most honest men in this House, who serve their country without any other reward than that arising from the disinterested discharge of their public duty, approved that junction, and sanctify the measure by their cordial support.

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* Lord North left the House in a state of indisposition about midnight.

† Mr. Pitt, in the course of his speech, had alluded to the duel between Mr. Fox and Mr. Adam. *Vide ante* p. 41.

‡ Between Mr. Pitt, afterwards Earl of Chatham, the Duke of Newcastle, and Mr. Henry Fox, afterwards Lord Holland.

"Such, Sir, is this coalition, which the state of the country rendered indispensable; and for which the history of every country records a thousand precedents; yet to this the term 'disgraceful' is applied. Is it not extraordinary, then, that gentlemen should be under such spells of false delusion, as not to see, that, if calling it disgraceful makes it so, these epithets operate with equal force against themselves? If the coalition be disgraceful, what is the anti-coalition? When I see the right honourable gentleman (Mr. W. Pitt), surrounded by the early objects of his political, nay, his hereditary* hatred, and hear him revile the coalition, I am lost in the astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. If the honourable gentleman under the gallery wishes that a starling were perched upon the right hand of the chair, I tell him, that the wish is just as reasonable to have another starling upon the left hand of the chair to chirp up coalition against coalition, and to harmonize their mutual disgrace, if disgrace there be.

"With the same consistency, an honourable gentleman† calls us deserters. Us! A few cold and disaffected members fall off, then turn about, and, to palliate their own defection, call the body of the army deserters! We have not deserted; here we are, a firm phalanx. Deserted, indeed, we have been in the moment of disaster, but never dejected, and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting, now call us deserters. We retort the term with just indignation. Yet, whilst they presume we have the attributes of men they would expect us to have the obduracy of savages. They would have our resentments insatiate, our rancour eternal. In our opinion an oblivion of useless animosity is much more noble; and in that the conduct of our accusers goes hand in hand with us. But I beg of the House, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships; but there are a set of men, who, from the mere vanity of having consequence as decisive voters, object to all stable government; these men hate to see an Administration so fixed as not to be moveable by their vote. They assume their dignity on the mere merit of not accepting places, and in the pride of this self-denial, and the vanity of fancied independence, they object to every system that has a solid basis, because their consequence is unfelt. Of such men I cannot be the panegyrist, and I am sorry that some such men are among the most estimable in this House.

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* Mr. Jenkinson, Mr. Dundas, &c., sat near Mr. Pitt.

† Mr. Martin.

"An honourable gentleman advises me, for the future, not to mention the name of the Marquis of Rockingham, who, he says, would never countenancea bill of this kind. This is, indeed, imposing hard conditions upon those who have willingly suffered a sort of political martyrdom in the cause of that noble lord's principles, those who surrendered pomp and power rather than remain where his principles ceased to be fashionable, and which were withering into contempt. I venerate the name of that noble marquis, and shall ever mention it with love and reverence; but at no period of my life with more confidence than at this moment, when I say, that his soul speaks in every line of the bill before you, for his soul speaks in every measure of virtue, wisdom, humane policy, general justice, and national honour. The name of the noble lord who enjoys his fortune has been mentioned in this debate, and will be mentioned again by me; I will tell the honourable gentleman, that this noble lord (Earl Fitzwilliam), though not the issue of his loins, inherits, with his property, the principles of that noble marquis in all their purity and soundness; and is as incapable as that noble marquis himself was, or as any man on earth is, of countenancing any act which, either immediately or ultimately, tends to the prejudice of his country, or the injury of the constitution. I have had the honour of knowing the noble earl from an early age. I have observed the motives of his actions. I am endeared to him by every tie of kindred sentiment, and of mutual principle. A character more dignified and exalted exists not in the empire, nor a mind more firmly attached to the constitution of his country: he is, what the nation would desire in the heir of the Marquis of Rockingham, the only compensation that we can have for his loss.

"An honourable gentleman (Mr. T. Pitt), has used violent terms against this bill, and the movers of it. Sir, I tell that honourable gentleman (looking directly in the face of Mr. T. Pitt), that the movers of this bill are not to be brow-beaten by studied gesture, nor frightened by tremulous tones, solemn phrases, or hard epithets. To arguments they are ready to reply; but all the notice they can take of assertions is, to mark to the House that they are only assertions. The honourable gentleman again repeats his favourite language of our having 'seized upon the Government;' his Majesty changed his Ministry last April in consequence of a vote of this House; his Majesty did the same twelve months before, in consequence of a vote of this House.* His Majesty in so doing followed the example of his predecessors; and his successors will, I doubt not, follow the example of his Majesty. The votes of Parliament have always decided upon the duration of the Ministry, and always will, I trust. It is the nature of our constitution; and those who dislike it, had better attempt to alter it. The honourable gentleman called the change in 1782 a glorious one; this, in 1783, a disgraceful one. Why? For a very obvious, though a very bad reason. The honourable gentleman assisted in effecting the first, and strenuously laboured to prevent the second. The first battle he fought with us; the second against us, and we vanquished him. In 1782 his friends were out, and would be in. In 1783 his friends were in, nor would go out. Thus, having done without him what we once did with him, the House sees his motive. It is human nature; but certainly not the better part of human nature. He says he is no party man, and he abhors a systematic opposition. I have always acknowledged myself to be a party man; I have always acted with a party in whose principles I have confidence, and if I had such an opinion of any Ministry as the honourable gentleman professes to have of us, I would pursue their overthrow by a systematic opposition. I have done so more than once, and I think that, in succeeding, I saved my country. Once the honourable gentleman, as I have said, was with me, and then our conduct was fair, manly, constitutional, and honourable! The next time he was against me, and our conduct was violent and unconstitutional, it was treasonable, and yet the means were in both instances the same, the means were the votes of this House.

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* The result of Sir John Rous's motion for withdrawing the confidence of the House of Commons from Ministers led Lord North to resign in March, 1782; and in consequence of the vote of censure on the terms of peace proposed by Ministers, Lord Shelburne resigned, and was succeeded in April, 1783, by the coalition Administration.

"A game of a two-fold quality is playing by the other side of the House upon this occasion, to which I hope the House and the kingdom will attend. They are endeavouring to injure us through two channels at the same time—through a certain great quarter, and through the people. They are attempting to alarm the first, by asserting that this bill increases the influence of the Ministry against the Crown; and rousing the people under an idea that it increases the influence of the Crown against them. That they will fail in both I doubt not. In the great quarter, I trust, they are well understood, and the princely mind of that high person is a security against their devices: they are running swiftly to take off whatever little imposition might have been put upon any part, even of the multitude. And I wish to rescue the character of the public understanding from the contemptuous implication, that it is capable of being gulled by such artifices. I feel for my country's honour when I say, that Englishmen, free themselves, and, fond of giving freedom to others, disdain these stratagems, and are equally above the silliness of crediting the revilers of this act, as above the baseness of confederating or making common cause with those who would support a system which has dishonoured this country, and which keeps thirty millions of the human race in wretchedness. I make allowances for the hair-brained, headstrong delusions of folly and ignorance, and the effects of design. To such evils every measure is liable, and every man must expect a portion of the consequence. But for the serious and grave determinations of the public judgment I have the highest value: I ever had, and ever shall have. If it be a weakness, I confess it, that to lose the good opinion of even the meanest man gives me some pain; and whatever triumph my enemies can derive from such a frame of mind, they are welcome to. I do not, after the example of the honourable gentleman who began this debate, hold the opinion of constituents in disparagement. The clear and decided opinion of the more reasonable and respectable should, in my mind, weigh with the member upon the same principle, that I think that the voice of the nation should prevail in this House, and in every other place. But when the representative yields to the constituent, it should be to the majority of the reasonable and respectable, and not, as we shall see in a day or two, some of the most honest men in England voting against the most popular tax ever introduced into this House, in direct opposition to their own conviction, and not upon the opinion of either the more respectable or reasonable class of their constituents.*

"My noble friend (Lord John Cavendish), with his characteristic spirit, has said, that we never sought power by cabal, or intrigue, or under-hand operations; and this he said in reply to an honourable gentleman (Mr. T. Pitt), whose conduct demonstrates that he thinks those the surest paths for his friends. This bill, as a ground of contention, is farcical; this bill, if it admitted it, would be combated upon its intrinsic qualities, and not by abusing the coalition, or raising a clamour about influence; but why do not the gentlemen speak out fairly, as we do; and then let the world judge between us? Our love and loyalty to the Sovereign are as ardent and firm as their own. Yet the broad basis of public character, upon which we received, is the principle by which we hope to retain, this power; convinced as we are that the surest road to the favour of the prince is by serving him with zeal and fidelity; that the safest path to popularity is by reducing the burden and restoring the glory of the nation. Let those (looking at Mr. Jenkinson) who aim at office by other means, by inscrutable and mysterious methods, speak out; or, if they will not, let the world know it is because their arts will not bear examination, and that their safety consists in their obscurity. Our principles are well known; and I would rather perish with them, than prosper with any other.

"The honourable gentleman under the gallery (Mr. Martin), also says, he dislikes systematic opposition. Whether perpetually rising up with peevish, capricious objections to everything proposed by us, deserve that name or not, I leave the gentleman himself to determine, and the House to reflect, upon that kind of conduct which condemns the theory of its own constant practice; but I meet the gentleman directly upon the principle of the term. He dislikes systematic opposition; now, I like it. A systematic opposition to a dangerous Government is, in my opinion, a noble employment for the brightest faculties; and if the honourable gentleman thinks our Administration a bad one, he is right to contribute to its downfal. Opposition is natural in such a political system as ours; it has subsisted in all such Governments; and perhaps it is necessary. But, to those who oppose it, it is extremely essential that their manner of conducting it should not incur a suspicion of their motives. If they appear to oppose from disappointment, from mortification, from pique, from whim, the people will be against them. If they oppose from public principle, from love of their country rather than hatred to administration, from evident conviction of the badness of measures, and a full persuasion that in their resistance to men they are aiming at the public welfare, the people will be with them. We opposed upon these principles, and the people were with us; if we are opposed upon other principles, they will not be against us. Much labour has been employed to infuse a prejudice upon the present subject; and I have the satisfaction to believe, that the labour has been fruitless; making, however, a reasonable exception for the mistakes of the uninformed, the first impressions of novelty, and the natural result of deliberate malice. We desire to be tried by the test of this bill, and risk our character upon the issue—confiding thoroughly in the good sense, the justice, and the spirit of Englishmen. Not lofty sounds, nor selected epithets, nor passionate declamation in this House, nor all the sordid efforts of interested men out of this House—of men whose acts in the East have branded the British name, and whose ill-gotten opulence is working through a thousand channels to delude and debauch the public understanding—can fasten odium upon this measure, or draw down obloquy upon the authors of it. We have been tried in the cause of the public; and until we desert that cause, we are assured of public confidence and protection.

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* A motion for the repeal of the receipt tax was made on the 4th of December, by Mr. Alderman Newnham.

"The honourable gentleman (Mr. Powys), has supposed for me a soliloquy, and has put into my mouth some things which I do not think are likely to be attributed to me: he insinuates that I was incited by avarice, or ambition, or party spirit. I have failings in common with every human being, besides my own peculiar faults; but of avarice I have indeed held myself guiltless. My abuse has been, for many years, even the profession of several people: it was their traffic, their livelihood; yet until this moment I knew not that avarice was in the catalogue of the sins imputed to me. Ambition I confess I have, but not ambition upon a narrow bottom, or built upon paltry principles. If, from the devotion of my life to political objects, if from the direction of my industry to the attainment of some knowledge of the constitution, and the true interest of the British empire, the ambition of taking no mean part in those acts that elevate nations and make a people happy, be criminal, that ambition I acknowledge. And, as to party spirit—that I feel it, that I have ever been under its impulse, and that I ever shall be, is what I proclaim to the world. That I am one of a party, a party never known to sacrifice the interests or barter the liberties of the nation for mercenary purposes, for personal emolument or honours: a party linked together upon principles which comprehend whatever is dear and most precious to free men, and essential to a free constitution, is my pride and my boast.

"The honourable gentleman has made one assertion, which it is my pride to confirm: he says that I am connected with a number of the first families in the country. Yes, Sir, I have a peculiar glory that a body of men renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake, hereditary fortunes and hereditary honours, deem me worthy of their confidence. With such men I am something—without them nothing. My reliance is upon their good opinion; and in that respect, perhaps, I am fortunate. Although I have a just confidence in my own integrity, yet as I am but man, perhaps it is well that I have no choice but between my own eternal disgrace and a faithful discharge of my public duty. Whilst these kinds of men are overseers of my conduct, whilst men whose uprightness of heart and spotless honour are even proverbial in the country [looking at Lord John Cavendish] are the watchmen of my deeds, it is a pledge to the public for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons. They have so much at stake, that, if the country falls, they fall with it; and to countenance anything against its interest would be a suicide upon themselves The good opinion and protection of these men is a security to the nation for my behaviour, because if I lose them I lose my all.

"Having said thus much upon the extraneous subjects introduced into the debate by the honourable gentleman, I shall proceed to make some observations upon the business in question. When the learned gentleman brought in his bill last year, the House saw its frightful features with just horror; but a very good method was adopted to soften the terrors of the extravagant power that bill vested in the Governor-general. The name of the noble lord (Cornwallis) was sent forth at the same time, whose great character lent a grace to a proposition, which, destitute of such an advantage, could not be listened to for one moment. Now, Sir, observe how differently we have acted upon the same occasion. Earl Fitzwilliam has been spoken of here this day, in those terms of admiration with which his name is always mentioned. Take notice, however, that we did not avail ourselves of the fame of his virtue and abilities in passing this bill through the House. If such a thing were to have taken place as the institution of an Indian secretaryship (according to the suggestions of some gentlemen), this noble lord would certainly have been the very person whom, for my part, I should have advised his Majesty to invest with that office. Yet, although his erect mind and spotless honour would have held forth to the public the fullest confidence of a faithful execution of its duties, the objections in regard to influence upon a removable officer are tenfold in comparison with the present scheme. The House must now see, that, with all the benefits we might derive from that noble lord's character—that, although his name would have imparted a sanctity, an ornament, and an honour to the bill, we ushered it in without that ceremony, to stand or fall by its own intrinsic merits, neither shielding it under the reputation nor gracing it under the mantle of any man's virtue. Our merit will be more in this, when the names of those are known whom we mean to propose to the House to execute this commission. [Name them, said Mr. Arden, across the House]. I will not—I will not name them; the bill shall stand or fall by its own merits, without aid or injury from their character. An honourable gentleman has said that these commissioners will be made up of our 'adherents and creatures.' Sir, there is nothing more easy than to use disparaging terms; yet I should have thought the name of Earl Fitzwilliam would have given a fair presumption that the colleagues we shall recommend to this House for the co-execution of this business with that noble lord, will not be of a description to merit these unhandsome epithets. I assure the honourable gentleman they are not. I assure him they are not men whose faculties of corrupting, or whose corruptibility, will give any alarm to this House, or to the country; they are men whose private and public characters stand high and untainted; who are not likely to countenance depredation, or participate in the spoils of rapacity. They are not men to screen delinquency, or to pollute the service by disgraceful appointments. Would such men as Earl Fitzwilliam suffer unbecoming appointments to be made? Is Earl Fitzwilliam a man likely to do the dirty work of a Minister? If they, for instance, were to name a Paul Benfield* to go to India in the Supreme Council, would Earl Fitzwilliam subscribe to his appointment? This is the benefit of having a commission of high honour, chary of reputation, noble and pure in their sentiments, superior to the little jobs and traffic of political intrigue.

"But this bill, Sir, presumes not upon the probity of these men; it looks to the future possibility of dissimilar successors, and to the morality of the present commissioners, who are merely human, and, therefore, not incapable of alteration. Under all the caution of this bill, with the responsibility it imposes, I will take upon me to say, that, if the aggregate body of this Board determined to use all its power for the purpose of corruption, this House, and the people at large, would have less to dread from them, in the way of influence, than from a few Asiatics who will probably be displaced in consequence of this arrangement, some of whom will return to this country with a million, some with seven hundred thousand, some with five, besides the three or four hundred thousand of others, who are cut off in their career by the hand of Fate. An inundation of such wealth is far more dangerous than any influence that is likely to spring from a plan of government so constituted as the one proposed—whether the operation of such a mass of wealth be considered in its probable effects upon the principles of the members of this House, or the manners of the people at large, more especially when a reflection that Orientalists are in general the most exemplary class of people in their morals, and in their deportment the most moderate, and corresponding with the distinction of their high birth and family, furnishes a very reasonable presumption that the expenditure of their money will be much about as honourable as its acquirement.

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* See note *ante*, vol. i., p. 713.

"I shall now, Sir, conclude my speech with a few words upon the opinion of the right honourable gentleman (Mr. Pitt). He says, he will stake his character upon the danger of this bill. I meet him in his own phrase, and oppose him character to character; I risk my all upon the excellence of this bill; I risk upon it whatever is most dear to me, whatever men most value, the character of integrity, of talents, of honour, of present reputation and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure, and have no fear in saying (whatever may be the fate of its authors), that this bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations."

Mr. Fox then recapitulated the heads of his speech, and sat down.

The House thereupon divided on the question, that the Speaker do leave the chair: Ayes, 217; Noes, 103. So it was resolved in the affirmative.

On the 8th of December the bill was read a third time by a majority of 208 to 201, and passed; and, on the following day, Mr. Fox, attended by a great number of members, presented it at the bar of the House of Lords.

Mr. Baker's motion relative to the report of the King's opinion on Mr. Fox's East India Bill.

December 17th. On the 9th of December, Mr. Fox's bill "for vesting the affairs of the East India Company in the hands of certain commissioners for the benefit of the proprietors and the public" was read a first time in the House of Lords.

Up to that period no symptoms had appeared, at least to the public eye, that indicated the approaching fate both of the bill and its authors. Great pains, indeed, were taken, and with considerable success, by an almost incredible circulation of pamphlets and political engravings, to inflame the nation against the measures and the persons of administration; and it was also remarked, that, in the House of Commons, several of that description of members well known by the name of King's friends, gave their votes on the side of Opposition. But, it was generally imagined, that as, on the one hand, the Ministry was too strong to be shaken by the breath of popular clamour, so, on the other, it seemed to the last degree improbable that they should have adopted a measure of such infinite importance, either without knowing, or contrary to, the inclinations of the King. On the first reading of the bill in the House of Lords, Earl Temple, Lord Thurlow, and the

Duke of Richmond, expressed their abhorrence of the measure in the strongest and most unequivocal terms. A brilliant panegyric on Mr. Hastings was pronounced by Lord Thurlow, and the flourishing state of the company's affairs insisted on. After a short debate relative to the production of papers, on which the lords in Opposition did not choose to divide the House, the second reading was fixed for Monday, December 15th.

In the meantime, various rumours began to circulate, relative to some extraordinary movements in the interior of the Court. It was confidently affirmed that, on the 11th of December, the King signified to Earl Temple, who had been ordered to attend him in the closet for that purpose, his disapprobation of the India Bill, and authorized him to declare the same to such persons as he might think fit; that a written note was put into his hands, in which his Majesty declared, "That he should deem those who should vote for it not only not his friends, but his enemies; and that if he (Lord Temple), could put this in stronger words he had full authority to do so;" and, lastly, that, in consequence of this authority, communications had been made to the same purport to several lords in the Upper House; and particularly to those whose offices obliged them to attend the King's person. Some extraordinary circumstances, which happened on the 15th of December, the day appointed for the second reading of the bill, confirmed the probability of the truth of these reports. Several peers, who had entrusted their proxies to the Minister and his friends, withdrew them only a few hours before the House met; and others, whose support he had every reason to expect, gave their votes on the side of Opposition. On the division, which took place upon a question of adjournment, Ministers were left in a minority of 79 to 87.

In consequence of a death in the Speaker's family, the House of Commons had adjourned for two days, but immediately on its reassembling on the 17th of December, and while the India Bill was undergoing its final investigation in the other House, Mr. Baker adverted to the report of a conversation between a great personage and a noble lord, which had for its object to create an influence adverse to the bill. He stated, shortly, that the public notoriety, both of the fact itself and of the effects it had produced, called on the House, which was the natural guardian of the constitution, for their immediate interference. He divided the criminality of the subject matter of the report into two parts; first, the giving secret advice to the Crown; and, secondly, the use that had been made of his Majesty's name for the purpose of influencing the votes of members of Parliament in a matter depending before them. The first, he contended, was a direct and dangerous attack upon the constitution. The law declared that "the King could do no wrong;" and therefore had wisely made his Ministers amenable for all the measures of his Government. This was of the very essence of the constitution, which could no longer subsist if persons unknown, and upon whom, consequently, no responsibility could attach, were allowed to give secret advice to the Crown. With regard to the second, Mr. Baker proved, from the journals, that to make any reference to the opinion of the King, on a bill depending in either House, had always been judged a high breach of the privileges of Parliament; he, therefore, concluded with moving the following resolution:—"That it is now necessary to declare, that to report any opinion, or pretended opinion, of his Majesty, upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanour, derogatory to the honour of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country." The motion was seconded by Lord Maitland, and strongly opposed by Mr. William Pitt, who urged the impropriety of proceeding on mere unauthenticated rumours; alleging, at the same time, that if such rumours were judged a proper foundation for the House to proceed upon, there were rumours circulated with equal industry, in which the same use was made of his Majesty's name in favour of the bill, that had been so much condemned when supposed to have been used in opposition to it. With respect to the effects which had been adduced as a proof of the truth of the report, if they referred to a late division in the other house, he thought the premises did not warrant the conclusion, as it was no very unusual thing for the Lords to reject a bill that had been passed by the Commons, without the smallest suspicion of undue influence. With respect to the criminality of the facts which were the subject of these reports, he denied that it was criminal in any of the peers, who were the acknowledged hereditary counsellors of the Crown, to give their advice to the King in any case whatever; and as to the breach of the privileges of Parliament, he contended, that the precedents which had been read from the journals, though selected from the *glorious times* of King Charles I., were in no wise applicable to the present case. Mr. Pitt concluded his speech with reproaching Ministers for their base attachment to office, though, upon their own state of the case, they had lost their power, and no longer possessed the confidence of their Prince.*

Mr. Secretary Fox spoke to the following effect:—

"I did not intend, Sir, to have said anything in addition to that which has been already urged so ably in favour of the resolution now agitated. In my own opinion, its propriety and necessity are completely and substantially established. A few particulars, suggested in the course of the debate by gentlemen on the other side of the House, may be thought, however, to merit some animadversion. And, once for all, let no man complain of strong language. Things are now arrived at such a crisis as renders it impossible to speak without warmth. Delicacy and reserve are criminal where the interests of Englishmen are at hazard. The various points in dispute strike to the heart; and it were unmanly and pusillanimous to wrap up in smooth and deceitful colours, objects which, in their nature and consequences, are calculated to fill the House and the country with a mixture of indignation and horror.

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* Annual Register, vol. xxvii., pp. 69, 70.

"This, at least, has made such an impression on my mind, that I never felt so much anxiety; I never addressed this House under such a pressure of impending mischief; I never trembled so much for public liberty as I now do. The question before the House involves the rights of Parliament in all their consequences and extent. These rights are the basis of our constitution, and form the spirit of whatever discriminates the government of a free country. And have not these been threatened and assaulted? Can they exist a moment in opposition to such an interference as that which is supposed by the resolution, and has been stated by several honourable gentlemen to have taken place? No: human nature is not sufficiently perfect to resist the weight of such a temptation. When, therefore, shall the House assert its dignity, its independence, its prerogatives, by a resolute and unequivocal declaration of all its legal and constitutional powers, but in the instant of their danger? The disease, Sir, is come to a crisis; and now is the juncture which destines the patient to live or die. We are called to sanctify or oppose an absolute extinction of all for which our ancestors struggled and expired. We are called to protect and defend, not only the stipulated franchises of Englishmen, but the sacred privileges of humanity. We are called to protract the ruin of the constitution. The deliberations of this night must decide whether we are to be free men or slaves; whether the House of Commons be the palladium of liberty, or the organ of despotism; whether we are henceforth to possess a voice of our own, or to be only the mere mechanical echo of secret influence. Is there an individual who feels for his own honour, callous to an apprehension of such a consequence as this? Does not every regard which he owes to a body who cannot be degraded without his disgrace, who cannot expire without involving his fate, rouse his indignation, and excite him to every exertion, both in his individual and delegated capacity, which can reprobate, suspend, or destroy a practice so inimical to public prosperity, as well as hostile to the very existence of this House?

"But what is this resolution? It has been called, with great technical acuteness, a truism, which seems as incapable of discussion as it is of proof. The foundation of it, however, is a matter of such general and palpable notoriety, as to put every degree of scepticism to defiance. Rumours of a most extraordinary nature have been disseminated in no common way, and by no inferior agents. A noble earl is said to have used the name of majesty with the obvious and express intention of affecting the decisions of the legislature concerning a bill, of infinite consequence to thirty millions of people, pending in Parliament. The nature of this debate will not allow me to avoid the mention of names. The reality of reports circulating, and operating to a certain degree, is equally admitted on all sides of the House. The arguments urged to defeat the use which is made of this fact by the resolution under discussion, are far from contradicting its veracity. No: its validity is supposed; the consequences only which we impute to that circumstance are disputed. No man has yet ventured, or dares to venture, to stand forth and say, in so many words, that it does not exist. This would certainly finish the contest much to the honour of the nobleman concerned; but still more to the satisfaction of this House and the tranquillity of the public. His right honourable relation,* who dares the House to a specific charge, leaves that whole load of suspicion and crimination on the character he would defend, unbroken, undiminished, and unequivocal. This may not be so much owing to a consciousness of delinquency, as a sentiment of pride: pride is the passion of little, dark, intriguing minds; and nothing but the truth of the charge can, in the present case, be more incompatible with every principle of rectitude and virtue. This rumour has been treated with a levity which amounts to a sarcasm or lampoon on the dignity of the House. But I will tell gentlemen it is not a newspaper surmise, but something much stronger and more serious; there is a written record to be produced. This letter (pulling it out of his pocket) is not to be put in the balance with the lie of the day. It states, that 'his Majesty allowed Earl Temple to say, that whoever voted for the India bill were not only not his friends but he should consider them as his enemies. And if these words were not strong enough, Earl Temple might use whatever words he might deem stronger, or more to the purpose.' Is this parliamentary, or is it truth? Where is the man who dares to affirm the one or deny the other? or to say, that he believes in his conscience such a rumour was not calculated to produce an immediate effect? It certainly tended, in the first instance, to vilify, in the grossest and most violent manner, the proceedings of Parliament. It says to the public, that we are not equal to our trust; that we either ignorantly or wilfully betray the interest of our constituents; and that we are not to be guided in our decisions by their convictions or our own, but by that unseen and mysterious authority of which the sovereign, his counsellors and the legislature, are only the blind and passive instruments. Both Houses of Parliament are, consequently, parties in the contest, and reduced, by this unfortunate and wicked device, to the predicament of a man struggling for his life. We are robbed of our rights, with a menace of immediate destruction before our face. From this moment, farewell to every independent measure! Whenever the liberties of the people, the rights of private property, or the still more sacred and invaluable privileges of personal safety, invaded, violated, or in danger, are vindicated by this House, where alone they can be legally and effectually redressed, the hopes of the public, anxious, eager, and panting for the issue, are whispered away, and for ever suppressed by the breath of secret influence. A Parliament thus fettered and controlled, without spirit and without freedom, instead of limiting, extends, substantiates, and establishes, beyond all precedent, latitude, or condition, the prerogatives of the Crown. But, though the British House of Commons were so shamefully lost to its own weight in the constitution, were so unmindful of its former struggles and triumphs in the great cause of liberty and mankind, were so indifferent and treacherous to those primary objects and concerns for which it was originally instituted, I trust the characteristic spirit of this country is still equal to the trial; I trust Englishmen will be as jealous of secret influence as superior to open violence; I trust they are not more ready to defend their interests against foreign depredation and insult, than to encounter and defeat this midnight conspiracy against the constitution.

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* Mr. Pitt and Earl Temple were first cousins.

"The proposition of this evening is, therefore, founded on a fact the most extraordinary and alarming this country could possibly hear: a fact which strikes at the great bulwark of our liberties, and goes to an absolute annihilation, not only of our chartered rights, but of those radical and fundamental ones which are paramount to all charters, which were consigned to our care by the sovereign disposition of Nature; which we cannot relinquish without violating the most sacred of all obligations; to which we are entitled, not as members of society, but as individuals, and as men; the rights of adhering steadily and uniformly to the great and supreme laws of conscience and duty; of preferring, at all hazards, and without equivocation, those general and substantial interests which we have sworn to prefer; of acquitting ourselves honourably to our constituents, to our friends, to our own minds, and to that public whose trustees we are and for whom we act.

"How often shall the friends of the noble earl, whom I have named, be called upon to negative the proposition, by vouching for him his innocence of the charge? Will any of them lay their hand on their heart, and disavow the fact in that nobleman's name? Let them fairly, honourably, and decidedly put an end to that foul imputation which rests on his conduct, and the House must immediately dismiss the report as idle and ill-founded. But, while no man comes honestly forward and takes truth by the hand, we must look to the consequence. This House must not lose sight of its rights and those of the community. The latter can subsist no longer than the former are safe. We now deliberate on the life and blood of the constitution. Give up this point, and we seal our own quietus, and are accessory to our own insignificance or destruction.

"But how is the question, thus unsuccessfully put to the friends and abettors of secret influence in this, answered, when put to the noble principal in the other House? Is he ready and eager to vindicate his own character, and rescue that of his sovereign from so foul a reproach? No: but he replies in that mean, insidious, equivocal, and temporising language, which tends to preserve the effect without boldly and manfully abiding by the consequences of the guilt. Such was the answer, as mysterious and ill-designed as the delinquency it was intended to conceal; and the man only, who could stoop to the baseness of the one, was the most likely in the world to screen himself behind the duplicity of the other. What, then, shall we infer from a system of acting and speaking thus guarded and fallacious, but that the device was formed to operate on certain minds, as it is rumoured to have done; and that such a shallow and barefaced pretext could influence those only, who, without honour or consistency, are endowed with congenial understandings!

"Had this alarming and unconstitutional interference happened in matters of no consequence, or but of inferior consequence, the evil would not have appeared of such magnitude as it does. But let us consider the nature of the business which it is intended to impede or suppress. For nearly twenty years have the affairs of the East India Company, more or less, occasionally engrossed the attention of Parliament. Committees of this House, composed of the most able, industrious, and upright characters, have sat long, indefatigably, and assiduously, in calling forth, arranging, digesting, and applying every species of evidence which could be found. Reports of their honest and elaborate conduct are before the House.* The public feel the pressure of this monstrous and multifarious object. Gentlemen in opposition were, at least, not insensible to its necessity, its urgency, and its importance. A right honourable gentleman, (Mr. W. Pitt,) who has distinguished himself so much on this occasion, protested very solemnly against all palliatives, expedients, or the abortive substitutes of radical and complete measures. To meet that right honourable gentleman's idea, as well as to suit the exigence of the case, the present bill was brought in. It has been called a rash, inconsiderate, and violent measure. The House is aware what discussion it has occasioned; and I dare any one to mention a single argument brought against it which has not been candidly and fairly tried, not by the weight of a majority, but by the force of plain and explicit reasoning. No bill was ever more violently and systematically opposed, investigated at greater length, or by more ability; passed the House under the sanction of a more respectable and independent majority, or had more the countenance and patronage of the country at large. How, then, did it succeed in the other House? What was the reception which, thus circumstanced, it received from their lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to, such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. The bill, however, though matured and debated by all the abilities of this House, though urged by the most powerful of all arguments, necessity, and though recommended by almost two to one on every division it occasioned, will, in all probability, be lost.

"But, Sir, I beseech the House to attend to the manner in which it is likely to meet such a fate. Is this to be effected by the voice of an independent majority? Can any man view the lords of the bedchamber in that respectable light? and the whole fortune of the measure now depends on their determination. The rumour so often stated and alluded to, was calculated and intended to answer an immediate and important end. I am far from saying that it ought. Those in high office and of elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; should discover as much dignity and strength of understanding as may be naturally expected from a superior education, the distinctions of fortune, and the example of the great and the wise. But how does this description agree with their mode of managing their proxies? These they cordially give in before a rumour of the King's displeasure reaches their ears; the moment this intimation is made, on the same day, and within a few hours, matters appear to them in quite a different light, and the opinion which they embrace in the morning is renounced at noon. I am as ready as any man to allow, what is barely probable, that these lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any debate or evidence on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would choose to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their lordship's peculiar situation and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct. It is an impudent avowal of political profligacy; as if that species of treachery were less infamous than any other. It is not merely a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and the basest of the species: it insults the noble, the ancient, and the characteristic independence of the English peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe and to the latest posterity. What magic nobility can thus charm vice into virtue I know not nor wish to know; but, in any other thing than politics, and among any other men than lords of the bedchamber, such an instance of the grossest perfidy would, as it well deserves, be branded with infamy and execration.

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* In the year 1781, two committees of the House of Commons, one a select and the other a secret committee, were appointed to inquire into the affairs of the East India Company, both at home and abroad. The reports of the select committee were twelve, and those of the secret committee six, in number.

"Is there anything, then, Sir, more plain and obvious, than, that this great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim, not of open and fair reasoning, but of that influence which shuns the light and shrinks from discussion: for those who pledged their honour in its support, from an acknowledged conviction of its rectitude, its propriety and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the

Sovereign. What bill, in the history of Parliament, was ever so traduced, so foully misrepresented and betrayed in its passage through the different branches of the legislature? The stroke which must decide the contest, cannot come from its real enemies but its false friends; and its fate, without example in the annals of this House, will be handed down to the remotest posterity, not as a trophy of victory, but as a badge of treachery.

"Here, Sir, the right honourable gentleman, with his usual liberality, upbraids me with monopolising, not only all the influence of the Crown. the patronage of India, and the principles of Whiggism, but the whole of the royal confidence; but all such round, unqualified, and unfounded imputations must be contemptible, because they are not true; and the bitterest enemy, not lost to every sense of manliness, would scorn to become an accuser on grounds so palpably false. It is, indeed, as it has always been, my only ambition to act such a part in my public conduct, as shall eventually give the lie to every species of suspicion which those who oppose me seem so anxious to create and circulate: and if to compass that by every possible exertion from which no man in the sound exercise of his understanding can honestly dissent, be a crime, I plead guilty to the charge. This I am not ashamed to avow the predominating passion of my life; and I will cherish it, in spite of calumny, declamation, and intrigue, at the risk of all I value most in the world.

"But, Sir, in this monopoly of influence, the lords of the bedchamber ought, at least, for the sake of decency, to have been excepted. These, we all know, are constantly at the beck of whoever is minister of the day. How often have they not been stigmatised with the name of the household troops, who, like the Prætorian bands of ancient Rome,* are always prepared for the ready execution of every secret mandate! I remember a saying of an able statesman, whom, though I differed with him in many things, I have ever acknowledged to be possessed of many eminent and useful qualities. The sentence I allude to I have always admired for its boldness and propriety. It was uttered by the late George Grenville in experiencing a similar treachery,—and would to God the same independent and manly sentiments had been inherited by all who bear the name! 'I will never again,' said he, 'be at the head of a string of janissaries, who are always ready to strangle or dispatch me on the least signal.'

"Where, Sir, is that undue, that unconstitutional, influence, with which the right honourable gentleman upbraids me and those with whom I act? Are our measures supported by any other means than ministers have usually employed? In what, then, am I the champion of influence? Of the influence of sound and substantial policy, of open, minute, and laborious discussion, of the most respectable Whig interest in the kingdom, of an honourable majority in this House, of public confidence and public responsibility, I am proud to avail myself, and happy to think no man can bar my claim. But every sort of influence unknown to the constitution, as base in itself as it is treacherous in its consequences, which is always successful because incapable of opposition, nor ever successful but when exerted in the dark, which, like every other monster of factious breed, never stalks abroad but in the absence of public principle, never assumes any other shape than a whisper, and never frequents any more public place of resort than the back stairs or closet at St. James's,—all this secret, intriguing, and underhand influence, I am willing and ready to forego. I will not even be the minister of a great and free people on any condition derogatory to my honour and independence as a private gentleman. Let those who have no other object than place have it and hold it by the only tenure worthy of their acceptance, secret influence; but without the confidence of this House as well as that of the sovereign, however necessary to my circumstances and desirable to my friends, the dignity and emoluments of office shall never be mine.

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* Gibbon, speaking of the Prætorian bands, says, "They derived their institution from Augustus. That crafty tyrant, sensible that laws might colour, but that arms alone could maintain, his usurped dominion, had gradually formed this powerful body of guards, in constant readiness to protect his person, to awe the senate, and either to prevent or to crush the first motions of rebellion."—Hist. of the Decline and Fall, ch. v.

"Is it, then, to the India bill I am indebted for this new appellation? Is there a single argument on this topic which has not been thoroughly and repeatedly discussed? But the right honourable gentleman has two strings to his bow: if he cannot blast me with the people, by demonstrating how this measure increases the influence of the Crown, he will try what he can do with the Crown, by exhibiting it as generating an independence or aristocracy for the minister. His own popularity may go a great way in accomplishing the one, and secret influence will always be adequate to the other; and by an incessant clamour against the whole of the business, fomented and propagated at the instance of a mean and interested faction, it is not unlikely he may succeed in both. But I must beg gentlemen to consider, that this measure, which owes all its imperfections and obnoxious qualities, not to the original text, but to the notes and commentaries of its numerous editors and interpreters, is intended merely as an experiment, subject to the cognizance and control of the legislature. Is there anything here independent of the three estates in Parliament assembled? You say it is an executive power for which the constitution affords no prescription. But are you aware to what extent this argument goes? It deprives you, at one stroke, of all the manifold advantages which result from every possible modification of colonization. What system of government can be applied to any foreign settlement or territory whatever, which is not proscribed by the same reasoning? And if this literal adherence to the form, in contradiction to the spirit, of the constitution, is to be adopted, without regard to the many vast commercial interests which produce the most fertile resources, and form no inconsiderable share of our national strength and distinction, we shall soon be circumscribed within our original boundaries, and be accounted as little among the nations as ever we were great.

"Conclusions, however, on such speculative theories as these are as idle as unsatisfactory. We never can forget that something must be done. I deny that anything has yet been offered or tried, more congenial to the constitution, more adequate to the object, or more advantageous to the community at large, than the bill in question. I am perfectly aware of whatever has been or can be alleged on the subject; but, abstracted from the scramble of interest and the pitiful bugbears of design, not one solid objection on the point of influence has yet been advanced. The novelty of the system is quite as good a foundation for predicting the best as the worst consequences. It is rare that men are thus prone to misconstrue the plainest propositions without some latent purpose; and we have the same right to comment on the motives on which the measure is opposed, as you have for reprobating those in which it originated.

"Even supposing the rumours on which the resolution was proposed were true, it is alleged that a noble duke* in the other House counteracted the effect of one influence by another. It had been whispered that his Majesty had authorised his name to be used with a certain view; his Grace, as the only expedient left for preserving the minds of their lordships unbiassed, and the personal honour of his sovereign unspotted, gave a negative to the fact. A tale was propagated which tended equally to traduce the Crown and embarrass Government. How was he to defeat the obvious design of such a notorious libel on the best of princes? Was it his duty to let it pass unnoticed, and shed undisturbed all its influence on the minds of those for whose instruction and emolument it was originally devised? Or had he any other mode of averting its intention and success than by denying its reality? It would be hard, indeed, to debar Ministers of a right to destroy falsehoods fabricated on purpose to destroy them. Such a prohibition amounts to their relinquishing a very material species of self-defence, which is one of the most valuable privileges of human nature; and, whatever the right honourable gentleman may be willing to sacrifice to office, this is one condition, at least, to which I will never be a party.

"The task, therefore, he has assigned me of being the champion of influence, belongs more properly to himself; who has this night stood forward in defence of a practice which cannot be indulged for a moment but at the imminent risk of everything great and valuable which our constitution secures. With what consistency he embarks in a cause so hostile and ominous to the rights and wishes of Englishmen, those who have known his connexions and observed his professions will judge. Let him not, then, in the paroxysm of party zeal, put a construction on my conduct which it will not bear, or endeavour to stamp it with the impression of his own. For that influence which the constitution has wisely assigned to the different branches of the legislature, I ever have contended, and, I trust, ever shall. That of the Crown, kept within its legal boundaries, is essential to the practice of government; but woe to this country the moment its operations are not as public and notorious as they are sensible and effective! A great writer† has said, that the English constitution will perish when the legislative becomes more corrupt than the executive power. Had he been as sound a judge of the practice as of the theory of government, he might have added, with still greater truth, that we shall certainly lose our liberty when the deliberations of Parliament are decided—not by the legal and usual—but by the illegal and extraordinary exertions of prerogative.

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* The Duke of Portland.

† Montesquieu—Esprit des Lois, liv. xi. ch. 6.

"The right honourable gentleman declares, that if the King is thus prevented from consulting his peers, who are constitutionally styled the ancient and hereditary counsellors of the Crown, or any other of his subjects, whenever he is pleased to call for it, he would be a captive on his throne and the first slave in his own dominions. Does he, then, affect to think or allege that it is the desire of Ministers to proscribe all social intercourse between his Majesty and his subjects? I will tell the right honourable gentleman thus far his argument goes, and that is something worse than puerility and declamation; it is disguising truth under such colours as are calculated to render it odious and detestable. The Lords are undoubtedly entitled to advise the throne collectively; but this does not surely entitle every noble individual to take his Majesty aside, and, by a shocking farrago of fiction and fear, poison the royal mind with all their own monstrous chimeras! Whoever knows the mode of digesting business in the cabinet, must be sensible, that the least interference with anything pending in Parliament must be dangerous to the constitution. The question is not, whether his Majesty shall avail himself of such advice as no one readily avows, but who is answerable for such advice? Is the right honourable gentleman aware, that the responsibility of Ministers is the only pledge and security the people of England possess against the infinite abuses so natural to the exercise of this power? Once remove this great bulwark of the constitution, and we are, in every respect, the slaves and property of despotism. And is not this the necessary consequence of secret influence?

"How, Sir, are Ministers situated on this ground? Do they not come into power with a halter about their necks, by which the most contemptible wretch in the kingdom may dispatch them at pleasure? Yes, they hold their several offices, not at the option of the Sovereign, but of the very reptiles who burrow under the throne. They act the part of puppets, and are answerable for all the folly, the ignorance, and the temerity or timidity, of some unknown juggler behind the screen: they are not once allowed to consult their own but to pay an implicit homage to the understandings of those whom to know were to despise. The only rule by which they are destined to extend authority over free men, is a secret mandate which carries along with it no other alternative than obedience—or ruin! What man, who has the feelings, the honour, the spirit, or the heart of a man, would stoop to such a condition for any official dignity or emolument whatever? Boys, without judgment, experience of the sentiments suggested by the knowledge of the world, or the amiable decencies of a sound mind, may follow the headlong course of ambition thus precipitantly, and vault into the seat while the reins of Government are placed in other hands; but the Minister who can bear to act such a dishonourable part, and the country that suffers it, will be mutual plagues and curses to each other.

" Thus awkwardly circumstanced, the best Minister on earth could accomplish nothing, nor on any occasion, however pressing and momentous, exert the faculties of government with spirit or effect. It is not in the human mind to put forth the least vigour under the impression of uncertainty. While all my best-meant and best-concerted plans are still under the control of a villainous whisper, and the most valuable consequences, which I flatter myself must have resulted from my honest and indefatigable industry, are thus defeated by secret influence, it is impossible to continue in office any longer either with honour to myself or success to the public. The moment I bring forward a measure adequate to the exigency of the State, and stake my reputation, or indeed whatever is most dear and interesting in life, on its merit and utility, instead of enjoying the triumphs of having acted fairly and unequivocally, all my labours, all my vigilance, all my expectations, so natural to every generous and manly exertion, are not only vilely frittered but insidiously and at once whispered away by rumours, which, whether founded or not, are capable of doing irreparable mischief, and have their full effect before it is possible to contradict or disprove them.

" So much has been said about the captivity of the throne, while his Majesty acts only in concert with his Ministers, that one would imagine the spirit and soul of the British constitution were yet unknown in this House. It is wisely established as a fundamental maxim, that ' the King can do no wrong;' that whatever blunders or even crimes may be chargeable on the executive power, the Crown is still faultless. But how? Not by suffering tyranny and oppression in a free Government to pass with impunity; certainly not; but the Minister who advises or executes an unconstitutional measure, does it at his peril; and he ought to know, that Englishmen are not only jealous of their rights, but legally possessed of powers competent on every such emergency to redress their wrongs. What is the distinction between an absolute and a limited monarchy? but that the Sovereign in the one is a despot, and may do what he pleases; but in the other, is himself subjected to the laws, and consequently not at liberty to advise with any one on public affairs not responsible for that advice; and the constitution has clearly directed his negative to operate under the same wise restrictions. These prerogatives are by no means vested in the Crown to be exerted in a wanton and arbitrary manner. The good of the whole is the exclusive object to which all the branches of the Legislature and their different powers invariably point. Whoever interferes with this primary and supreme direction, must, in the highest degree, be unconstitutional. Should, therefore, his Majesty be disposed to check the progress of the Legislature in accomplishing any measure of importance, either by giving countenance to an invidious whisper, or the exertion of his negative, without at the same time consulting the safety of his Ministers, here would be an instance of mal-administration, for which, on that supposition, the constitution has provided no remedy. And God forbid that ever the constitution of this country should be found defective in a point so material and indispensable to the public welfare!

"Sir, it is a public and crying grievance that we are not the first who have felt this secret influence. It seems to be a habit against which no change of men or measures can operate with success. It has overturned a more able and popular Minister (Lord Chatham) than the present, and bribed him with a peerage, for which his best friends never cordially forgave him. The scenes, the times, the politics, and the system of the Court, may shift with the party that predominates, but this dark mysterious engine is not only formed to control every Ministry, but to enslave the constitution. To this infernal spirit of intrigue we owe that incessant fluctuation in his Majesty's councils, by which the spirit of Government is so much relaxed, and all its minutest objects so fatally deranged. During the strange and ridiculous interregnum of last year,* I had not a doubt in my own mind with whom it originated; and I looked to an honourable gentleman (Mr. Jenkinson) opposite to me, the moment the grounds of objection to the East India Bill were stated. The same illiberal and plodding cabal which then invested the throne, and darkened the royal mind with ignorance and misconception, has once more been employed to act the same part. But how will the genius of Englishmen brook the insult? Is this enlightened and free country, which has so often and successfully struggled against every species of undue influence, to revert to those Gothic ages when princes were tyrants, Ministers minions, and Governments intriguing? Much and gloriously did this House fight and overcome the influence of the Crown by purging itself of ministerial dependants; but what was the contractors' bill, the board of trade, or a vote of the revenue officers,† compared to a power equal to one-third of the Legislature, unanswerable for, and unlimited in, its acting? Against those we had always to contend; but we knew their strength, we saw their disposition, they fought under no covert, they were a powerful, not a sudden, enemy. To compromise the matter, therefore, Sir, it would become this House to say, 'rather than yield to a stretch of prerogative thus unprecedented and alarming, withdraw your secret influence, and whatever intrenchments have been made on the Crown we are ready to repair: take back those numerous and tried dependants who so often secured you a majority in Parliament; we submit to all the mischief which even this accession of strength is likely to produce; but, for God's sake, strangle us not in the very moment we look for success and triumph by an infamous string of bedchamber janissaries!'

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* Between the resignation of Lord Shelburne and the appointment of his successors.

† By 22 Geo. III., c. 41, no person employed in managing or collecting the excise, customs, stamp duties, salt duties, window, or house duties, or the revenue of the post-office, or in conveying mails, shall vote at any election, under a penalty of £100. By 22 Geo. III., c. 45, no contractor with Government for the public service shall be capable of being elected, or of sitting in the House of Commons, so long as he holds any such contract, or derives any benefit from it. But this does not extend to contracts with incorporated trading companies, or to persons upon whom public contracts may devolve by descent, marriage, or will, until they have been in possession of them for twelve months. And if any person disqualified by such a contract shall sit in the House, he shall forfeit £500 for every day; and if any person who engages in a contract with Government, admits any member of Parliament to a share of it, he shall forfeit £500 to the prosecutor. By Mr. Burke's act for regulating the expenses of the civil list establishment, 22 Geo. III., c. 82, the office of the Board of Trade and Plantations was abolished, and the duties of that department transferred to a committee of the Privy Council, without salary. By the same act, thirty-six offices tenable by members of Parliament were also abolished.—Annual Register, vol. xxvii., p. 143. Now, the duties of the Board of Trade and Plantations are practically performed by the President and Vice-President of the Board, both of whom receive salaries.

"The right honourable gentleman has told us, with his usual consequence and triumph, that our duty, circumstanced as we are, can be attended with no difficulty whatever: the moment the Sovereign withdraws his confidence it becomes us to retire. I will answer him in my turn, that the whole system in this dishonourable business may easily be traced. Aware of that glorious and independent majority which added so much dignity and support to the measure which appears thus formidable to secret influence, they find all their efforts to oppose it here abortive: the private cabal is consequently convened, and an invasion of the throne, as most susceptible of their operations, proposed. It was natural to expect that I, for one, would not be backward to spurn at such an interference. This circumstance affords all the advantage they wished. I could not be easy in my situation under the discovery of such an insult; and this critical moment is eagerly embraced to goad me from office, to upbraid me with the meanness of not taking the hint, to remind me in public of the fate which I owe to secret advice. When that hour comes—and it may not be very distant—that shall dismiss me from the service of the public,* the right honourable gentleman's example of lingering in office after the voice of the nation was that he should quit it, shall not be mine. I did not come in by the fiat of majesty, though by this fiat I am not unwilling to go out. I ever stood, and wish now, and always, to stand on public ground alone. I have too much pride ever to owe anything to secret influence. I trust in God this country has too much spirit not to spurn and punish the Minister that does! I arrogate no pomp, however, from the formality of resignation. My noble friend,† I hope, thinks with me, that the present is one of those singular junctures when it is necessary to act with caution as well as spirit. We are certainly agreed not to retain our places any longer than we can maintain the dignity of Government with responsibility and effect; and to the constitutional mandate of dismission we are prepared to bow with humility and obedience. We have been repeatedly reminded of our disagreeable situation; but the chief fact to which we owe this inconveniency was only not foreseen, from an idle opinion that no man could be base and servile enough to undertake it. But now, our eyes are open to transactions, of which ocular demonstration only could have convinced us. We only beg when the revolution, which it is supposed may be effected in the royal breast, is authentically announced, we may be allowed to judge for ourselves. I will apprise gentlemen, however, that the situation of Ministers is at present extremely delicate. They stand pledged to the public and a very honourable majority of this House, not to relinquish the affairs of the State while in so much anarchy and distraction. And what Ministry could wish for a stronger or more desirable foundation than such a majority as have constantly voted with us? For my own part, I ever thought public confidence the only substantial basis of a sound Administration. The people of England have made me what I am; it is at their instance I have been called to a station in their service, and, perhaps, it would not be treating them well, hastily to abandon the post to which they have generously raised me. The whole of that respectable arrangement in which I am but an individual, are, in my opinion, bound in honour to do something at least for thirty millions of innocent people, whose expectations have been raised and flattered by our exertions; who have long struggled under every oppression, and grappled with their fate in vain; whose wretched and deplorable circumstances affect the British character in every corner of the world with infamy and horror; and who, at this moment, in spite of every exertion, both of the Legislature and of the court of directors, groan under the scourge, the extortion, and the massacre, of a cruel and desperate man,* whom, in my conscience and from my heart, I detest and execrate.

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* Mr. Fox was dismissed from office on the following day.

† Lord North.

"It is impossible to overlook or not to be surprised at the extreme eagerness of the right honourable gentleman about our places, when twenty-four hours, at most, would give him full satisfaction. Is it that some new information may be requisite to finish a system thus honourably begun? Or is the right honourable gentleman's youth the only account which can be given of that strange precipitancy and anxiety which he betrays on this occasion? It is, in my opinion, the best apology which can be urged in his behalf. Generosity and unsuspecting confidence are the usual disposition of this tender period. The friends of the right honourable gentleman, I doubt not, will soon teach him experience and caution; and, when once he has known them as long, received as many of their promises, and seen their principles as much tried, as I have done, he may not, perhaps, be quite so prodigal of his credulity as he now is. Is he apprised of the lengths these men would go to serve their own selfish and private views? that their public spirit is all profession and hypocrisy? and that the only tie which unites and keeps them together is that they are known only to each other, and that the moment of their discord puts a period to their strength and consequence?

"If, however, a change must take place, and a new Ministry is to be formed and supported, not by the confidence of this House, or of the public, but by the sole authority of the Crown, I, for one, shall not envy that right honourable gentleman his situation. From that moment I put in my claim for a monopoly of Whig principles. The glorious cause of freedom, of independence, and of the constitution, is no longer his, but mine. In this I have lived; in this I will die. It has borne me up under every aspersion to which my character has been subjected. The resentments of the mean and the aversions of the great, the rancour of the vindictive and the subtilty of the base, the dereliction of friends and the efforts of enemies, have not all diverted me from that line of conduct which has always struck me as the best. In the ardour of debate, I may have been, like all other men, betrayed into expressions capable of misrepresentation; but the open and broad path of the constitution has uniformly been mine. I never was the tool of any junto. I accepted of office at the obvious inclination of this House: I shall not hold it a moment after the least hint from them to resume a private station.

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* Mr. Warren Hastings.

"The right honourable gentleman is, however, grasping at place on very different grounds. He is not called to it by a majority of this House; but, in defiance of that majority, stands forth the advocate and candidate for secret influence. How will he reconcile a conduct thus preposterous to the constitution, with those principles for which he has pledged himself to the people of England? By what motives can he be thus blind to a system which so flatly and explicitly gives the lie to all his former professions? Will secret influence conciliate that confidence to which his talents, connections, and principles, entitle him; but which the aspect under which he must now appear to an indignant and insulted public effectually bars his claim? Will secret influence unite this House in the adoption of measures which are not his own, and to which he only gives the sanction of his name to save them from contempt? Will secret influence draw along with it that affection and cordiality from all ranks, without which the movements of Government must be absolutely at a stand? Or, is he weak and violent enough to imagine, that his Majesty's mere nomination will singly weigh against the constitutional influence of all these considerations? For my own part, it has been always my opinion, that this country can labour under no greater misfortune than a Ministry without strength and stability. The tone of Government will never recover so as to establish either domestic harmony or foreign respect, without a permanent Administration; and whoever knows anything of the constitution, and the present state of parties among us, must be sensible that this great blessing is only and substantially to be obtained and realized in connexion with public confidence. It is, undoubtedly, the prerogative of the Sovereign to choose his own servants; but the constitution provides that these servants shall not be obnoxious to his subjects by rendering all their exertions, thus circumstanced, abortive and impracticable. The right honourable gentleman had, therefore, better consider how much he risks by joining an arrangement thus hostile to the interests of the people; that they will never consent to be governed by secret influence; and that all the weight of his private character, all his eloquence and popularity, will never render the midnight and despotic mandates of an interior cabinet acceptable to Englishmen.

"When I say, in what manner, and to what ends, the wisdom and experience of our ancestors have thus directed the exercise of all the royal prerogatives, let me not be understood as meaning, in any degree, to detract from those dutiful regards which all of us owe as good citizens and loyal subjects to the prince who at present fills the British throne. No man venerates him more than I do, for his personal and domestic virtues. I love him as I love the constitution, for the glorious and successful efforts of his illustrious ancestors in giving it form and permanency. The patriotism of these great and good men must endear, to every lover of his country, their latest posterity. The King of England can never lose the esteem of his people, while they remember with gratitude the many obligations which they owe to his illustrious family. Nor can I wish him a greater blessing than that he may reign in the hearts of his subjects, and that their confidence in his Government may be as hearty and sincere as their affection for his person."

The House divided on the question "That the order of the day be now read." Yeas, 80; Noes, 153.

Mr. Baker's motion was consequently carried by a majority of 73. It was then resolved, "That this House will, on Monday next, resolve itself into a committee of the whole House, to consider the state of the nation." As a change of Ministers appeared to be a measure determined on by the King, and the dissolution of Parliament an immediate and necessary consequence, the majority of the House thought no time was to be lost in endeavouring to render the attempt as difficult as possible. With this view, immediately after the above resolutions were agreed to, Mr. Erskine moved, "That it is necessary to the most essential interests of this kingdom, and peculiarly incumbent on this House, to pursue with unremitting attention the consideration of a suitable remedy for the abuses which have prevailed in the government of the British dominions in the East Indies; and that this House will consider as an enemy to this country any person who shall presume to advise his Majesty to prevent, or in any manner interrupt, the discharge of this important duty." The motion was opposed, on the ground of its interfering with the executive part of Government, and trenching on the undoubted prerogative of the Crown, without any justifiable cause. It was, however, carried by a majority of 147 to 73.

On the same day, the 17th of December, Mr. Fox's India Bill was rejected by the Lords, on the motion for its committal, by a majority of 95 to 76. It was remarked, that the Prince of Wales, who was in the minority in the former division,* having, in the meantime, learned that the measure was offensive to the King, was absent on this occasion.† At twelve o'clock, on the following night, a messenger delivered to the two Secretaries of State his Majesty's orders, "That they should deliver up the seals of their offices, and send them by the Under-secretaries, Mr. Frazer and Mr. Nepean, as a personal interview on the occasion would be disagreeable to him." On the next day, the seals were given by the King to Earl Temple, who immediately sent letters of dismissal to the rest of the Cabinet. At the same time, Mr. William Pitt was appointed First Lord of the Treasury and Chancellor of the Exchequer. On the 22nd, three days after his acceptance of the seals, Earl Temple resigned them; but Mr. Pitt proceeded in the formation of an Administration, in which Lord Thurlow was Lord Chancellor; Earl Gower, afterwards created Marquis of Stafford, President of the Council; the Duke of Rutland, Lord Privy Seal; the Marquis of Caermarthen, and Lord Sydney, Secretaries of State for the Foreign and Home Departments; Lord Viscount Howe, First Lord of the Admiralty; and the Duke of Richmond, Master-general of the Ordnance. Mr. William Grenville and Lord Mulgrave succeeded Mr. Burke in the Pay-Office: and Mr. Henry Dundas was appointed to the office of Treasurer of the Navy.

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* The division on the adjournment.—*Vide ante*, p. 133.

† This step was taken by the Prince with the full concurrence of Mr. Fox.—Moore's Life of Sheridan.

THE WESTMINSTER SCRUTINY.

1784. Parliament was prorogued on the 24th of March, 1784, and on the next day dissolved by proclamation; and the new Parliament was summoned to meet on the 18th of May following.

At the general election the candidates for the representation of the city of Westminster were Lord Hood, the great naval commander, and the late representatives, Mr. Fox and Sir Cecil Wray.* The struggle lay between

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* Upon this occasion Mr. Fox published the following addresses to the electors of Westminster.

"To the worthy and independent electors of the city and liberty of Westminster.

"GENTLEMEN,—His Majesty's Ministers having thought fit, in contradiction to their own declarations, in defiance of the sense of the House of Commons, and without any public pretence whatever, to subject the nation to all the inconveniences which must infallibly attend a dissolution of Parliament at the present moment, I humbly beg leave, once more, to solicit the favour of your votes and interest to represent this great and respectable city.

"To secure to the people of this country the weight which belongs to them in the scale of the constitution, has ever been the principle of my political conduct.

"Conscious that in every situation (whether in or out of office), I have invariably adhered to this system, I cannot but flatter myself that you will again give your sanction to those principles which first recommended me to your notice, and which induced you, at two subsequent periods, to honour me with your suffrages. I have the honour to be, Gentlemen, &c. "C. J. Fox."

"St. James'-street, March 24."

Mr. Fox and Sir Cecil Wray; Lord Hood not being an object of hostility to either of them. After a severe contest for upwards of six weeks, the poll was closed on the 17th of May, 1784, and the numbers for the three candi-

"To the worthy and independent electors of the city and liberty of Westminster.

"Gentlemen,—When the popular delusion in favour of the present Ministry was supposed to be most prevalent, I was confident that the good sense and steadiness of the electors of Westminster would be a proof against every art and every temptation.

"The unparalleled success which I have experienced upon my canvass, fully justifies this confidence, and I have the greatest reason to expect that your partiality towards me will appear to have increased in proportion to the persecution of my enemies.

"As I have ever stood forth, and am always resolved to continue firm, in the cause of the people, so it is not to be wondered at that I should at all times be the object of the enmity of that pernicious faction whose principles are as adverse to the constitution as the dark and secret manner in which they have endeavoured to enforce them.

"It would have been my most earnest wish to have paid my respects in person to every individual elector, if the extent of the city had not made it impossible.

"The very flattering reception I have met with among those whom I have had the opportunity of seeing, cannot but add to my regret upon this account.

"My public conduct is too well known to you to make any professions necessary; upon that ground I first experienced your partiality; upon that alone I can expect to retain it.

"To you who have approved it, I need say no more; and I will not be guilty of the unbecoming flattery to those who have differed from me, as to pretend that I shall in any degree deviate from that line of political conduct which first recommended me to your notice.

"Upon these tried principles, I once more beg leave to solicit your votes, interest, and poll, at the ensuing election; and I do assure you that no expressions can do justice to the sentiments of gratitude and esteem with which I am, Gentlemen, &c.

"St. James'-street, March 31, 1784." "C. J. Fox."

"To the worthy and independent electors of the city and liberties of Westminster.

"Gentlemen,—The present state of the poll exhibits a glorious example of what may be expected from the perseverance of independent men in the cause of liberty and the constitution.

"I beg leave most earnestly to solicit the continuance of your generous exertions in my favour. The importance of every individual vote is now sufficiently evident; and the number of electors who have assured me that they would come forward whenever it should appear that their vote might probably be decisive, leaves me no doubt of success.

"The unprecedented exertions which the servants of the Crown have thought themselves at liberty to make against me, as well by an indecent prostitution of the most sacred names, as by every other species of unconstitutional influence, have produced the effects naturally to be expected from such proceedings, by raising the spirit and awakening the indignation of every honest and independent elector.

"My public life is too well known to you to make any professions necessary. Those principles which brought about the glorious revolution, which seated his Majesty's illustrious family upon the throne, and which have preserved the liberty of this constitution, have ever been the inviolable rule of my political conduct.

"Upon these grounds I again presume to request your support; and if I should be happy enough to be re-elected representative of this great and respectable city, you dates were as follows:—For Lord Hood, 6,694; for Mr. Fox, 6,233, and for Sir Cecil Wray, 5,998. On the announcement of this result, a written paper was delivered to the high bailiff, the returning officer, signed by Sir Cecil Wray and thirteen electors, demanding a scrutiny.* This demand, although it was formally protested against by Mr. Fox and several of his adherents, and although the writ was made returnable on the following day, was acceded to. The high bailiff in his return to the precept stated the proceedings, the number of votes for each candidate, and the scrutiny demanded by Sir Cecil Wray, adding that he could not make any other return until the scrutiny should be determined. Westminster, therefore, was without a representative; but Mr. Fox sat in Parliament as member for Kirkwall, a Scotch borough.

Immediately on the meeting of the new Parliament the conduct of the High Bailiff, in granting the scrutiny under the circumstances above-mentioned, was warmly taken up by the Opposition, and as warmly defended by Mr. Pitt and his supporters.

On the 24th of May, Mr. Lee, late attorney-general in the coalition administration, referring to the Statute 10 and 11 Wm. III., c. 7, which requires the return of writs of election "on or before the day on which Parliament is called to meet, and with all convenient speed, not exceeding fourteen days, after any election made by virtue of any new writ," moved, "That Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter, at Westminster, whose duty it was to execute the precept directed to him by the sheriff of Middlesex, for the election of two citizens to serve in the present Parliament for the city of Westminster, and to return the same to the sheriff on or before the 18th day of May instant, being the day on which the present Parliament was appointed to be holden, having proceeded to take, and having finally closed, the poll before the said 18th day of May, ought to have returned two citizens to serve in Parliament for the said city." The previous question having been moved by the Master of the Rolls, Mr. Lee's motion was negatived by a majority of 233 to 136.

On the 25th of May, Mr. Fox presented a petition to the House praying that it would order the high bailiff to make a proper and perfect return to the writ, and said that he should move, if there was no objection to it, that his petition be referred to a committee to be ballotted for under Mr. Grenville's Act;† but, after some debate, it was conceded that the Statute

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may depend upon finding in me a steady supporter of the Whig cause, a determined enemy to that secret influence by which the present administration was created, and an unalterable friend to the rights of the people.

"I am, with every sentiment of gratitude and respect, Gentlemen, &c.

"St. James'-street, April 26, 1784. "C. J. Fox."

* *Vide* Appendix to Annual Register, vol. xxvii.

† The 10th Geo. III., c. 16, known by the name of Grenville's Act. By this Act, petitions against undue elections were referred to a select committee of fifteen members,

did not apply. The petition was then withdrawn; but it was again presented in the course of the same evening. Two petitions from electors were also presented a few days after. All were ordered to be taken into consideration at the same time; and all parties by themselves or their counsel were to be heard at the bar. Mr. Erskine, Mr. Douglas, and Mr. Garrow, appeared for Mr. Fox and his co-petitioners, and Mr. Mingay for the high bailiff.

June 8th. In the meantime, counsel having been heard and evidence offered at the bar of the House, Mr. Welbore Ellis moved, "That it appearing to this House, that Thomas Corbett, Esquire, bailiff of the liberty of the city of Westminster, having received a precept from the Sheriff of Middlesex for electing two citizens to serve in Parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept, and of members chosen in pursuance thereof." This motion gave rise to a most interesting debate, in the course of which Mr. Fox rose, and spoke as follows:—

"MR. SPEAKER,

"Before I enter upon the consideration of this question, I cannot help expressing my surprise, that those who sit over against me (the Ministry) should have been hitherto silent in this debate. Common candour might have taught them to have urged whatever objections they have to urge against the motion of my honourable friend before this time; because in that case I should have had an opportunity of replying to their arguments; and surely it would have been fair to allow me the slight favour of being the last speaker upon such a subject. But, Sir, I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House. Sir, I say, 'that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'"

In consequence of a murmur from the other side, Mr. Fox paused, and said, "Mr. Speaker, there is a regular mode of checking any member in this House for using improper words in a debate, and it is to move to have the improper words taken down by the clerk, for the purpose of censuring the person who has spoken them. If I have said anything unfit for this House to hear, or for me to utter—if any gentleman is offended by anything that fell from me, and has sense enough to point it out, and spirit to correct that offence, he will adopt that parliamentary and gentleman-like mode of conduct; and that he may have an opportunity of doing so, I again repeat, 'that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'

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who were sworn to inquire into the same, and a true judgment give according to the evidence. Previously to the passing of Grenville's Act, the subject of disputed elections was referred to the House at large. The proceedings on election committees are now regulated by 7 and 8 Vic., c. 103.

“ Sir, I am warranted in the use of these words, by events and authorities that leave little to be doubted, and little to be questioned. The treatment this business has received within these walls, the extraordinary proceedings which have sprung from it, the dispositions which have been manifested in particular classes of men, all concur to justify the terms I have adopted, and to establish the truth of what I have asserted.

“ If the declaration I have made, had happened not to have been supported by the occurrences I allude to, the very consideration of Mr. Grenville's bill is of itself sufficient to vindicate what I have said. That bill, Sir, originated in a belief that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by ministerial influence, by caprice, and by corruption. Mr. Grenville's bill viewed this House as endowed with these capacities, and judging it, therefore, incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute. That I am debarred the benefits of that celebrated bill, is clear beyond all doubt, and thrown entirely upon the mercy, or, if you please, upon the wisdom, of this House. Unless, then, men are to suppose that human nature is totally altered within a few months—unless we can be so grossly credulous as to imagine that the present is purged of all the frailties of former Parliaments—unless I am to surrender my understanding, and blind myself to the extraordinary conduct of this House, in this extraordinary business, for the last fortnight—I may say, and say with truth, “ that I expect no indulgence, nor do I know that I shall meet with bare justice in this House.'

“ There are in this House, Sir, many persons to whom I might, upon every principle of equity, fairness, and reason, object, as judges, to decide upon my cause, not merely from their acknowledged enmity to me, to my friends, and to my politics, but from their particular conduct upon this particular occasion. To a noble lord (Mulgrave) who spoke early in this debate, I might rightly object as a judge to try me; who, from the fulness of his prejudice to me, and predilection for my opponents, asserts things in direct defiance of the evidence which has been given at your bar. The noble lord repeats again, that ‘ tricks' were used at my side in the election, although he very properly omits the epithet which preceded that term when he used it in a former debate; but does it appear in evidence that any tricks were practised on my part? Not a word. Against him, therefore, who, in the teeth of the depositions on your table, is prompted, by his enmity towards me, to maintain what the evidence (the ground this House is supposed to go upon) absolutely denies, I might object with infinite propriety as a judge in this cause.

"There is another judge, Sir, to whom I might object with greater reason, if possible, than to the last. A person evidently interested in increasing the numbers of my adversaries upon the poll, but who has relinquished his right as an elector of Westminster, that his voting may not disqualify him from being a judge upon the committee to decide this contest: a person, too, Sir, who, in the late election, scrupled not to act as an agent, an avowed, and, indeed, an active agent to my opponents. [Lord Mahon took this to himself; but Mr. Fox went on thus:] Is there any interruption, Sir? I hope not. I am but stating a known fact; that a person who is to pronounce a judgment this night in this cause, avoided to exercise one of the most valuable franchises of a British citizen, only that he might be a nominee for my adversaries, concluding that his industry upon the committee would be of more advantage to their cause, than a solitary vote at the election. This, Sir, I conceive would be a sufficient objection to him as a judge to try me.

"A third person there is, whom I might in reason challenge upon this occasion. A person of a sober demeanour, who, with great diligence and exertion in a very respectable and learned profession, has raised himself to considerable eminence: a person who fills one of the first seats of justice in this kingdom, and who has long discharged the functions of a judge in an inferior, but very honourable situation.* This person, Sir, has, upon this day, professed and paraded much upon the impartiality with which he should discharge his conscience in his judicial capacity as a member of parliament in my cause. Yet this very person, insensible to the rank he maintains, or should maintain, in this country, abandoning the gravity of his character as a member of the senate, and losing sight of the sanctity of his station both in this House and out of it, even in the very act of delivering a judicial sentence, descends to minute and mean allusions to former politics—comes here stored with the intrigues of past times, and, instead of the venerable language of a good judge and a great lawyer, attempts to entertain the House by quoting, or by misquoting, words supposed to have been spoken by me in the heat of former debates, and in the violence of contending parties, when my noble friend† and I opposed each other. This demure gentleman, Sir, this great lawyer, this judge of law and equity and constitution, enlightens this subject, instructs and delights his hearers, by reviving this necessary intelligence, that when I had the honour of first sitting in this House for Midhurst, I was not full twenty-one years of age;‡ and all this he does for the honourable purpose of sanctifying the high bailiff of Westminster in defrauding the electors of their representation in this House, and robbing me of the honour of asserting and confirming their right by sitting as their representative. Against him, therefore, Sir, and against men like him, I might justly object as a judge, or as judges, to try my cause; and it is with perfect truth I once more repeat, 'that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'

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* Sir Lloyd Kenyon, Master of the Rolls. He had previously held the office of Chief-Justice of Chester. Upon the resignation of the Chief-Justiceship of the King's Bench, by Lord Mansfield, in May, 1788, Sir Lloyd Kenyon succeeded him, and was created Lord Kenyon.

† Lord North.

‡ *Vide ante*, p. 1.

"Sir, I understand that the learned gentleman I have just alluded to (I was not in the House during the first part of his speech), has insinuated that I have no right to be present during this discussion, and that hearing me is an indulgence. Against the principle of that assertion, Sir, and against every syllable of it, I beg leave, in the most express terms, directly to protest. I maintain that I not only have a right to speak, but a postive and clear right to vote upon this occasion; and I assure the House, that nothing but the declaration I have made in the first stage of this business should prevent me from doing so. As to myself, if I were the only person to be aggrieved by this proceeding, if the mischief of it extended not beyond me, I should rest thoroughly and completely satisfied with the great and brilliant display of knowledge and abilities which have been exhibited by the learned gentlemen, who appeared for me and for my constituents at your bar. If I alone were interested in the decision of this matter, their exertions, combined with the acute and ingenious treatment this question has received from many gentlemen on this side of the House, whose arguments are as learned as they are evidently unanswerable, would have contented me. But a sense of duty, superior to all personal advantage, calls on me to exert myself at this time. Whatever can best encourage and animate to diligence and to energy, whatever is most powerful and influencing upon a mind not callous to every sentiment of gratitude and honour, demand, at this moment, the exercise of every function and faculty that I am master of. This, Sir, is not my cause alone; it is the cause of the English constitution, the cause of the electors of this kingdom, and it is in particular the especial cause of the most independent, the most spirited, the most kind and generous body of men that ever concurred upon a subject of public policy: it is the cause of the electors of Westminster; the cause of those who, upon many trials, have supported me against hosts of enemies; of those who, upon a recent occasion, when every art of malice, of calumny, and corruption—every engine of an illiberal and shameless system of government—when the most gross and monstrous fallacy that ever duped and deceived a credulous country, have been propagated and worked with all imaginable subtlety and diligence, for the purpose of rendering me unpopular throughout the empire—have, with a steadiness, with a sagacity, with a judgment, becoming men of sense and spirit, defeated all the miserable malice of my enemies, vindicated themselves from the charge of caprice, changeableness, and fluctuation, and, with a generosity that binds me to them in every tie of affection, supported me through the late contest, and accomplished a victory against all the arts and powers of the basest system of oppression that ever destined the overthrow of any individual.

"If, by speaking in this House (where many perhaps may think I speak too much), I have acquired any reputation; if I have any talents, and that attention to public business has matured or improved those talents into any capability of solid service, the present subject and the present moment, beyond any other period of my life, challenge and call them into action; when, added to the importance of this question upon the English constitution, combined with the immediate interest I feel personally in the fate of it, I am impelled by the nobler and more forcible incitement of being engaged in the cause of those to whom the devotion of all I have of diligence or ability would be but a slight recompence for their zeal, constancy, firm attachment, and unshaken friendship to me, upon all occasions, and under all circumstances.

"There are two leading points of view in which this question should be considered. The first is, whether the high bailiff of Westminster has had sufficient evidence to warrant his granting a scrutiny, supposing that he possessed a legal discretion to grant it; the second, whether any returning officer can by law grant a scrutiny, even upon the completest evidence of its necessity; which scrutiny cannot commence till after the day on which the writ is returnable.

"It is of little consequence in which order the question is taken up; but first I shall proceed upon evidence.

"The great defence of the high bailiff is built upon the circumstance of Sir Cecil Wray and his agents having furnished him with regular lists of bad votes on my part; and to prove that these lists were delivered, they have brought a witness who knows not a syllable of the truth of the contents of the lists. The witness who drew the affidavits, which affirm those bad votes to have polled for me, upon cross examination appears equally ignorant of the truth of the affidavits, and therefore the burden of the proof rested upon the evidence of Affleck, whose testimony, nevertheless, after four hours' examination, is expunged from your books as inadmissible. Expunged, however, though it is, I wish the House to recollect the answers he gave concerning the descriptions of the bad voters which are imputed to me, and to the stated number of them. The number is said to be 143; and the House will recollect, that although I repeatedly pressed the witness to name some of them, he could not name even one. I questioned Affleck particularly, whether the 143 were persons who did not exist where they pretended to reside: his answer was, that some did reside in the streets as mentioned in the poll books, and that others could not be found at all. Those who could not be found at all, if any such there were, might fairly be deemed bad votes; but the other class of voters involved a question of law; and I submit to the House, whether if the evidence of this man, instead of being rejected as incompetent, had actually been admitted, the whole tenor of it, instead of exculpating, would not, in the strongest sense, tend to criminate the high bailiff. Had he known his duty, or been disposed to discharge it, this he would have said to such a reporter:—'You may be, and most likely are, interested in deceiving me; after much argument and discussion, I, as the sole judge in this court, have admitted these to be legal votes, which you (of whom I know nothing,) affirm to be only lodgers or non-residents; my situation is too solemn to be affected by such information, and therefore I dismiss it as unfit for me to proceed upon.'

"This should have been the high bailiff's conduct; but his conduct is the exact reverse of it. He receives this species of information, and from these sorts of men; and not only this, but accepts affidavits imputing bribery to some persons who canvassed for me, acknowledging at the same moment that he had no cognizance of bribery, and never once inquires into the truth of the charge, nor whether any credit is due to the deposer, nor even who the deposer is. All this the high bailiff does in concert with my adversaries, secretly, collusively, without even once giving me, or any one of my agents, the very slightest idea that any such intercourse had subsisted between him (the judge of this court) and one of the parties, litigating that upon which he was to exercise his judicial function.

"To have received such information with the least attention was in itself criminal enough; but studiously, cautiously, and deliberately, to have concealed it from me was base and wicked in the extreme. Had I been apprised of these machinations, I might have established the falsehood of every accusation; and surely, if justice had been the object of the high bailiff, he would not rest one moment until he communicated to me the burden of these informations and affidavits, especially if he meant to overturn the whole tide of precedents, and to innovate upon the practice of all the returning-officers that ever lived in this kingdom, in granting a scrutiny to commence after the return of the writ. If truth was his aim, the obvious mode of ascertaining it was to have given the other party an opportunity of knowing the charges brought against them, to let them have the chance of contradicting their accusers; and if we failed in falsifying these informations, the high bailiff would have had this presumption in his favour, that it was only because we could not. But, Sir, not this, nor anything like it, did the high bailiff of Westminster. So far from acting like an impartial judge, he appears to have been the agent, or rather the mere tool, of my opponents; and every syllable of these informations upon which he acted might have been, for aught he knew, the vilest mass of falsehood and perjury that ever thwarted the course of justice. I say, then, Sir, if the high bailiff absolutely possessed a legal discretion in granting a scrutiny, to have granted it upon this sort of evidence, and under these circumstances, was, to say no worse of it, an act that cannot be justified upon any obvious principle of law, reason, common sense, or common equity.

"But what will the candid part of the House think of this high bailiff, when they consider that the grounds of his vindication at your bar differ as much as light and darkness from his vindication in the vestry in Covent Garden, upon granting the scrutiny? And here, Sir, I have to lament that the paper which he read to this House, as his defence, which the gentlemen opposite to me (the Ministry), for reasons as honourable perhaps to themselves as to the high bailiff, so strenuously opposed being laid on the table, is now impossible to be produced. That paper, Sir, would have enabled me, from his own words, to have proved to you that the principle he avowed at your bar, as the rule that governed him in this business, is exactly and directly the very reverse of the principle he pretended to act upon at the time of granting the scrutiny. Fortunately, however, this fact is established on clear, unquestioned, evidence before you. Mr. O'Bryen's testimony is complete and decisive as to that point: his words were, 'that the high bailiff in the vestry, upon granting the scrutiny, disclaimed the informations delivered to him by Sir Cecil Wray and his agents; that he replied with peevishness and some displeasure to Sir Cecil for having mentioned them; that he declared he believed he had never read them; certainly never with any attention: that he threw them aside unnoticed; that they had not the least operation upon his judgment; and that they did not, in the very slightest sense, influence his determination in granting the scrutiny.' These were his words. Atkinson, upon cross examination, was obliged to acknowledge this; and Grojan's want of memory upon it goes, of itself, a great way to establish the truth, if it required further corroboration.

"Now, let the House and the world judge of this high bailiff, who, upon granting the scrutiny, affects to be insulted at the supposition of his acting upon this *ex parte* information, and yet rests all his defence, at the bar of this House, upon that very *ex parte* information which, but a fortnight before, he disclaimed and despised.

"Without adverting to his shameful and scandalous conduct (which, if he had one spark of feeling, would make him blush to show his face, much less to avow the act) in holding this fraudulent intercourse with my enemies; cautiously concealing that any such intercourse subsisted between them; treacherously betraying the cause of justice, which his situation bound him to support inviolate, and basely lending himself to one party for the ruin of another;—can anything better show his iniquity, than varying the grounds of his defence according to the variation of scene and the pressure of exigency? This continual shifting demonstrates that he has no honest defence to make. Put the most favourable construction possible upon his conduct, and the best of the alternatives marks him a hypocrite at the least. If he has spoken truth in the vestry, he is an arrant liar before this House; or, if he vindicates himself before you upon pure principles, he has grossly and wickedly deceived me and all who heard the contempt he expressed in the vestry for that information, upon which he has expatiated at the bar of this House with such extraordinary reverence.

"So much for the consistency of the high bailiff respecting his alleged motives in granting a scrutiny.

"It is said on the other side of the House, that the poll was not a scrutiny, and said in express contradiction to the evidence produced at your bar. Never was a poll a scrutiny, unless the poll in question was such. It is established by respectable testimony at your bar, that the poll was an absolute scrutiny. It is proved that the parish books were constantly at the hustings, and each voter's name, profession, and description, collated with the books. It is proved, that when the names of voters could not always be found in the parish books (which was often the case, and yet the votes perfectly legal), a gentleman in the interest of each side frequently went to the very street in which the voter said he lived; that the vote was suspended until that inquiry was made, and that the decision was always governed by the report of the inquirers in such case. Was this, or was it not, a scrutiny? But it was said, that the poll was crammed at one time; and hence an inference is drawn that the poll was not a scrutiny. This is strange reasoning, surely; to support this inference, it should be proved that votes were excepted to, and yet admitted in the hurry without examination or inquiry. Does this appear to be the case? Nothing like it. With all Mr. Grojan's disposition to shelter the high bailiff—with all his power of memory at one time, and his want of it at another—does he assert any such thing? No, Sir, he could not with truth; and even he could not venture upon this without truth. Did you ever hear, or did such a thing ever happen, as that a returning officer, of his own accord, should reject any votes not excepted to by the contending parties? Certainly not. Those votes, therefore, in whose legality the candidates themselves agreed, must be justly presumed by the high bailiff to be unexceptionable; and from hence to suppose that the poll was no scrutiny, is weak in the extreme. In the early part of the election, it was the natural wish of each candidate to get to the head of the poll. Each brought up as many friends as possible, and this accounts for what they call cramming the poll. Respecting the high bailiff's difficulty in forming an opinion as to which of the two had the greater number of legal votes, had I been lowest upon the poll at the close of the election, there might have been some little colour for his affectation of scrutiny. Why? Because upon the days when the poll was most crammed, when the greatest numbers polled, and when there was least inquiry and least examination into their legality, Sir Cecil Wray had a very great majority over me. I began to gain upon my adversary, not when thousands polled of a day, but when only a few hundreds, and less than a hundred, polled on each day; at a time when there was sufficient leisure to scrutinize the votes, and when the most acute, the most jealous and sharp, inquiry took place, as to the qualification of each voter, that was, perhaps, ever practised in any court of hustings.

"With a view to exculpate this high bailiff, his deputy, Mr. Grojan, related an incident which I shall notice, and the exultation of the opposite side of the House, at the time of that relation, renders that notice the more necessary. It was this: he asked a man which way the street lay in which he lived, and the man said it was that way, pointing his hand towards Drury-lane. 'I immediately suspected him, and afterwards rejected him,' says Mr. Grojan. Now, Sir, this story happens to be strictly true, and true to the confusion of those who relate it for the vindication of the high bailiff.

Were my election to depend upon the merits of a single vote, I do not know that I should prefer any other inhabitant of this great city before that very man then rejected by Mr. Grojan; for in all Westminster there is not a better qualified, a more undoubtedly legal, voter, than that identical person. And what is the fact, Sir? That this honest, ignorant man came to poll with liquor in his head, and (embarrassed by the scene, by the shouting, and by the manner, perhaps, of the question) made that absurd reply. These events, Sir, were not infrequent at that hustings; and, when one considers the facility of puzzling such men in all places,—when one considers that Mr. Grojan is not, of all men living, the most embarrassed in the exercise of his duty, nor exactly the most anxious about the comments of by-standers upon his conduct,—there is little wonder that honest, uninformed men, surrounded by thousands, with half-a-dozen inspectors plaguing them with different questions at the same moment, in the midst of noise and huzzaing, in that state of hilarity, perhaps, which is too frequent at general elections, should sometimes give a foolish, unconnected, answer to such interrogatories as generally come from Mr. Grojan.

"I understand that a learned gentleman has said, that he would have closed the poll long before the high bailiff proclaimed his intention of doing so. I do not mean to argue the legality of that position with the learned gentleman; that the fact was exactly otherwise, is all that it is necessary for me to maintain. It is in evidence before you, that he did not close it until the 17th of May, and then closed it, not from deficiency of voters, but for the express purpose of enabling himself to make his return by the 18th, the day on which the writ was returnable. The first, and the only, notice I had of his intention to close the poll, was on the Thursday preceding; and I do confess, and have always declared, that my object was to continue the poll during the three intermediate days, that the high bailiff might be obliged to assign this as his reason, since the act of closing the poll was his own act. In this I hold myself perfectly justifiable. During these three days, I confess it was my wish to protract the poll; but I solemnly deny that it was ever prolonged by me a single hour more; and also deny that, up to the 13th of May, I had any proposal or any offer, that I could notice, for closing it.

"Attempts have been made to prove—and this is the last head of evidence I shall touch upon—that insinuations came from us, at a certain period of the poll, of demanding a scrutiny. That some of my friends might have expressed that intention is very probable; but give me leave to say, Sir, that if I had myself formally demanded it, there is no rule of law that warrants a conclusion against me on account of my own conduct as a party. A thousand motives there may be to justify me in demanding of the high bailiff that which it would be perfectly right in him to refuse. If, in any case of litigation, a judge should grant to one of the parties whatever he wished, how could he ever come to a just decision? or who would ever be defeated, whatever may be the badness of his cause?

"But, Sir, has it been offered to you in proof, or is there a man that can say, I ever did for one moment entertain the idea, much less express it, that a scrutiny could go on after the day on which the writ was returnable? Sir, I do assure you, so absurd, so preposterous, so pernicious a thought never once possessed me. I had occasion very maturely to consider this subject at the first Westminster election. Lord Lincoln demanded a scrutiny, which the high bailiff granted, and which the noble lord afterwards relinquished. I remember to have investigated the matter then. I consulted the greatest dead and living authorities, the best books, and the most learned men in my circle; and the result was, that the granting a scrutiny before the return of the writ was legal; but no book, no lawyer, no man, before this time, ever, to my knowledge, maintained that a scrutiny could be continued, much less begun, after the day on which the writ was returnable.

"Then, say my enemies, why did you expect the high bailiff to grant you a scrutiny, which you must know could not be finished before the 18th of May? And at that I see the gentlemen on the opposite bench (the Ministry) exult a little. But, Sir, it is a weak and childish exultation. Do they think, or, if they deceive themselves, can they believe the public will think, that I could have been so gross an idiot as to suppose a scrutiny of this election could be over before the 18th, with the instance of Vandeput and Trentham staring me in the face, where an unfinished scrutiny lasted above five months?* Can they imagine I could hope a scrutiny in this case, where upwards of three thousand voters polled more than at the contested election of Vandeput and Trentham, could by any possible means be over before the 18th? Surely not. A tolerable knowledge of Mr. Thomas Corbett, the high bailiff of Westminster, gave me no extravagant hopes of success in any scrutiny where he was to be the sole judge; and, therefore, all I ever meant was, that an inquiry might take place previous to the 18th; which inquiry might enable us to form the train and order of the necessary evidence, that we might the better know how to discover the different species of bad votes, and class, under their various heads, those which were doubtful, those which were suspected, and those which were positively illegal; and so far to methodize, arrange, and simplify, the business before the return, that we might go on in the committee, under Grenville's bill, with the greater facility and expedition, and with less expense; and this would have been a material point of preparation for us.

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* Lord Trentham, eldest son of Earl Gower, sat for the city of Westminster in the year 1749, and having accepted a place at the Board of Admiralty, his seat in Parliament became vacant. Upon his offering himself a candidate for re-election, he was opposed by Sir George Vandeput. After a severe contest, the election was declared to be in favour of Lord Trentham; whereupon Sir George Vandeput and his adherents demanded a scrutiny, which was granted by the high bailiff. The scrutiny was protracted for several months, but no return day was named in the writ. The numbers polled on this occasion were: for Lord Trentham, 4,811; for Sir George Vandeput, 4,654. The contest between Vandeput and Trentham is memorable for the violent proceedings which it gave rise to, on the part of the Commons House of Parliament, against Mr. Alexander Murray, brother of Lord Elibank. In the course of an inquiry before the House, founded on a petition against the return, the high bailiff complained of having been insulted in the discharge of his duty by Mr. Murray. The House determined to hear both parties by counsel, and ordered Mr. Murray to give bail for his appearance from time to time.. After hearing witnesses on both sides, it was resolved that Mr. Murray should be committed to Newgate, and that he should receive this sentence upon his knees at the bar of the House. He accordingly appeared, and when directed by the Speaker to kneel, he steadily refused to obey. It was then ordered, that no person should have access to him in prison: an order which, on account of his ill-health, was soon afterwards relaxed. At the termination of the session, when the authority of the House ceased, he was accompanied from prison by a sort of triumphal procession. In the next session, the House again made an order for his committal to prison, but, in the meantime, Mr. Murray had quitted the country. —Smollett's Hist. of England, vol. iii., pp. 67 *et seq.*, and 80 *et seq.*; Hallam's Constitutional Hist., vol. iii., pp. 368, 369; Lord Mahon's Hist., vol. iv., pp. 28, 29; Parl. Hist., vol. xiv., pp. 761, 762, 870 *et seq.*, and p. 1063 *et seq.*

"This, Sir, was all I ever meant by a scrutiny before Mr. Corbett, and all that any man of common fairness and liberality can suppose I meant.

"A noble lord over against me (Lord Mulgrave), in his zeal to exculpate the high bailiff, charges me with having intimidated him, and charges it upon the evidence of Mr. Grojan. That noble lord, disdaining all regard to consistency whenever he thinks he can impute a fault to us, at the same moment that he asserts the high bailiff was intimidated, pronounces a flashy panegyric upon the firmness and intrepidity of the very man he affirms to be thus terrified. But, Sir, the high bailiff was threatened—and how? Was it by threats of assaulting him? No. Was it by holding up the fear of danger to him, by mobs or riots? No. Was it by a menace of taking away his books, breaking the peace of the hustings, and interrupting him in the discharge of his duty? No, no. But it was by warning him of the consequences of unjust partialities, false or corrupt decisions: it was by threatening him with legal punishment, if he did not make the law of the land the rule of his conduct. Grojan tells you, that he believes these threats sometimes induced the high bailiff to make decisions in my favour, contrary to his judgment. Yet this is the man, whose firmness and intrepidity the noble lord commends so much, and whom the Government of this country is straining every nerve to bear harmless through this unprecedented business. An officer, whose deputy, as a palliation of greater guilt, defends him, by saying that he committed a palpable breach of his duty, and only because he is threatened with legal punishment, if he acts against law! Sir, for my own part, I believe there is as much sincerity in the noble lord's panegyric, as there is veracity in the deputy bailiff's inference from these threats. All I wish, however, is, that you would properly notice this species of intimidation. It is an intimidation, Sir, the influence of which, I hope, will reach every man, every magistrate, in this country, however splendid his station, however lifted up above his fellow-creatures in office or dignity, to keep before his eyes the danger of a vicious or a wanton breach of the law of the land. Would to God this House were in a capacity to become an object of those consequences, which the verdict of a jury would determine to follow a violation of the laws! With what content, with what confidence, should I submit my cause to such a tribunal!

"Having now, Mr. Speaker, gone through the various depositions that have been made before you; having from the evidence shown that the alleged grounds of the high bailiff's first granting this scrutiny were the direct reverse of those he declares to this House to have been his motives; having shown that he was in habits of clandestine intercourse with my opponents; having shown that he was in the constant course of receiving *ex parte* information in an illicit and shameful secrecy; having shown that he positively and solemnly denied this series of iniquitous proceedings in the vestry, which he boldly avows at your bar; having shown that the poll was as much a scrutiny as any poll can possibly be; having explained my views in the event of my demanding a scrutiny; having described the species of intimidation used to this man, and confirmed that, so far from exculpating, it tends deeply to criminate him; having shown this, Sir, and shown it by the evidence which you have heard at your bar, I shall conclude this part of my subject, with submitting to every man of honour and candour who hears me, whether he really thinks that the high bailiff of Westminster exercised a sound and honest discretion in granting a scrutiny, supposing, for argument sake, that he actually possessed a legal power to grant it.

"The remainder of what I have to say shall be directed to prove that he had no such power, and to lay before you the fatal effects of such a precedent as the loss of this question will afford.

"I am not a professional man, and cannot be supposed to speak with the information of professional gentlemen upon a legal subject; there are, however, general and fixed principles of common sense, which serve to guide an unlearned man upon a subject of this kind. Four different ways occur to me, by which, in a case of doubt, the law might be discovered and ascertained. First of all, I should look into the statute-book upon the table. If, upon searching there, I found an Act of Parliament upon the point in dispute, doubt and conjecture would cease at once, and all would be clear and certain; but if I could find no act to regulate the case in question, I should then, in the second place, have recourse to practice and precedent, and inquire what had been done in similar cases on similar occasions; in other words, I should try what is the common law. If I found practice and precedent direct me, then everything would be plain and easy; but if no statute and no precedent should be found, by which I could steer in this ambiguity, my next obvious resort would be to legal analogies, to cases which, though not precisely the same in all points, would yet be perfectly similar in principle. If in this department of research I found anything to direct me, there, too, all would be smooth, intelligible, and certain; but if I found no positive statute, or precedent, or practice at common law, and no legal analogy, whereby I might discover the fact, there would then be much difficulty indeed, but not an insurmountable one; still I should make an effort, and my last and fourth resort should be to the experience and understanding of mankind—to those arguments which common sense suggests—to fair conclusions deducible from fair reasoning, founded upon the immutable principles of policy and expediency.

"Now, Sir, if some of these various modes of defining the law should happen to favour me upon the present subject, and that others should unfortunately militate against me, still I may be right in my position, but not with that fulness of conviction, that clearness of certainty that I might wish. The case, however, is so entirely otherwise, that I do venture to affirm, and engage to prove to the satisfaction of every man capable of being satisfied, that not only nothing in any of these different ways of attaining the fact does operate in the slightest degree against me, but that all and each concur in supporting me, and demonstrating the illegality and violence of my enemies in the present business. I do, therefore, assert, that the high bailiff of Westminster, in granting this scrutiny, has violated the law of the land, by the combined force and testimony of these four tests: by the statutes, by the common law, by the analogies of law, by policy and expediency. First as to the statutes:—

"The Act of 10 and 11 William III. was made for the avowed purpose of checking the bad conduct of returning officers. The preamble of the bill, and every clause in it, proves this to have been the object of enacting it. As the part of it which relates to returns is merely directory, it is gross and absurd to construe it in any other manner than that which makes it answer the evident purpose for which it is enacted. It requires that the writs for any future Parliament shall be returned on or before the day that Parliament is called to meet; that the return shall be made to the clerk of the Crown, which clerk of the Crown is authorised to receive four shillings for every knight, and two shillings for every burgess. It imposes a penalty upon the sheriff, if he does not make his return on or before this day.

"Now observe the construction given by the opposite side of the House to this plain intelligible statute. It is true, say they, this act is binding upon a sheriff, but not at all upon a mayor or bailiff. Why? Because a mayor or bailiff are not mentioned.* True, they are not mentioned, and probably the action I spoke of some time ago, might not lie against the high bailiff; not that he has not openly transgressed the spirit of the law, but because the penal part of every statute is to be construed according to the strict letter of the Act: but I submit to the House, whether they ever heard so low, so vile, so dirty a quibble; whether they ever heard so base a perversion of common sense, as to suppose the legislature of this country to have been such a set of idiots, such a herd of miserable beings, as that, in an Act made for the avowed and declared purpose of correcting and punishing the misconduct of returning officers, they should have provided against the partialities, corruption, and roguery of sheriffs, and have left the nation at the mere mercy of mayors and bailiffs without restraint, redress, or punishment. This is the construction put upon this Act by his Majesty's Ministers, the patrons of this high bailiff, although they see these express words in the body of the Act: 'That the clerk of the Crown shall receive at the time of these returns (which returns must be made on or before the day of the meeting of such new Parliament) four shillings for every knight, and two shillings for every burgess.' Why mention the word 'burgess,' if that Act is not meant to compel the return of the writ under which he is chosen? Was there ever such an outrage upon common sense as to maintain—although they see the fee stated for the burgess to pay—though they see the return required proceeding from the sheriff's precept to the mayor or bailiff—that the mayor or bailiff is not obliged to make a return within the time prescribed by the same Act, that is, on or before the day that the new Parliament shall be called to meet?

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* The words of the Act in question, 10 and 11 Wm. III., c. 7, are, "The sheriff or *other officer* having the execution and return of any such writ" [for the calling and assembling of Parliament, or for the choice of any new member to serve therein], &c.

"But there is another point which defines the meaning of the legislature to a certainty, and it is the exception in favour of new writs upon vacancies. In that case there is an obligation that the return be made within fourteen days after the election upon that vacancy. Is it consistent with reason, or rather is it not making downright nonsense of this Act, to suppose that it should compel a return within a certain time in cases of vacancy; but that upon a general election, all should lie at the mere will and pleasure of the returning officers? Will the gentlemen urge the same contemptible reasoning here, and assert that the compulsion in this case only respects the returns of knights of the shire? What! that an Act should be made to prevent the collusion and knavery of returning officers, yet that it extends only to the preclusion of frauds in returning about one hundred, because they are knights of the shire, and leaves the remaining four hundred at the discretion of every mayor or bailiff? Sheriffs are, in general, of a rank and character much superior to the other returning officers, yet the witol* caution the honourable interpreters of this Act impute to the English legislature is, that they guarded against abuses from that class of returning officers whose fortune and sphere of life presumed most for their integrity; and made no provision whatever for the possible misconduct of that very description of returning officers whose situation gave the least pledge or security for honest and incorrupt conduct. If I am not mistaken, this species of reasoning carries with it its own refutation.

"A noble lord over against me (Lord Mulgrave) has advanced a singular kind of argument indeed, touching the intention of this Act of King William. He has read to you from the journals an instruction to the committee appointed to bring it in, which instruction suggests to them the introduction of a clause to secure the returns for cities and boroughs within the specified time, and, in a style of inference peculiar to himself, he concludes, that, as the express words do not appear in the statute, the legislature never meant to include the returning officers of cities and boroughs.

"Now I will take upon me to say, that every other man in this country (that noble lord and those who concur with him in opposition to my honourable friend's motion excepted,) capable of understanding the sense of an Act of Parliament, will draw the direct reverse of his conclusion from the non-insertion of that clause. The sole view of this statute was to correct the abuses of returning officers. The instruction from the House to the committee proves that the disease extended to mayors and bailiffs. The omission of that clause, therefore, clearly demonstrates that the framers of the Act thought the suggestion fully comprehended in the Act as it stands, and that it would be mere tautology and needless repetition to be more explicit. What a miserable legislature must that be, which, in the act of applying a remedy to an acknowledged evil, creates a ten times greater one than that which it endeavours to cure. Those who made this law, were, in my opinion, good politicians, but they were evidently not good prophets, for they did not foresee that an hour would come when men would rise up and put such a construction upon their labours as marked them the most despicable set of drivellers that ever insulted society under the appellation of law-makers. In a word, Sir, I contend that the statute of King William is decisively and completely with us.

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* Wise, knowing, skilful: *sciens, sapiens.*—Bosworth's Anglo-Saxon Dict.

"The 23rd of Henry VI.* is likewise with us, and does afford me a legal remedy against the high bailiff, of which I shall most certainly avail myself. That Act authorises the sheriff to issue his precepts to the returning officers of cities and boroughs. It requires that they shall make a return to the sheriff, and gives the person chosen, and not returned, an action, which must be brought within three months after the meeting of Parliament. From this it is evident that the return of the writ, and of the precept proceeding from the writ, must be at one and the same time, namely, by the meeting of the Parliament. For, otherwise, observe what rank nonsense this statute would be. This misconduct of returning officers made it necessary to give a power of legal punishment to the party chosen and not returned. That power is here given; but if we can suppose that the Act does not compel the return to be positively made by the meeting of Parliament, the penalty is all a farce: for who will make a return that will subject him to a civil action, if it be in his power to avoid it? Whether the return be true or false, therefore, it is as clear as day-light, that some return must be made by the meeting of Parliament. For it is insulting common sense to say, that the man who incurs a legal penalty shall have a legal power of evading it. That is to say, that a returning officer may, of his own authority, prolong his return until the three months pass away, within which time alone the action can commence for the punishment of this gross abuse.

"I have, therefore, Sir, no difficulty in saying, and I am confident every fair man agrees in the truth of it, that these two Acts, in their letter, as well as their spirit, demonstrate that the high bailiff of Westminster, in granting this scrutiny, has positively broken the statutes of the land.

"The second point to which I shall advert in the arrangement of this argument is the point of practice, or what the common law is upon this occasion; and the best way to show that the high bailiff of Westminster's return is against both the one and the other, is to observe this fact: that in all the records of Parliament, in all the annals of election, and in the history of this country, a single precedent cannot be found to justify this extraordinary return. The main and evident drift of it was to deprive me of the benefit of Mr. Grenville's bill; and to accomplish this end, do but observe how many obvious modes of return he passed by. Had the bailiff done his duty, and returned Lord Hood and me, Sir Cecil Wray would not have been injured, for he would instantly have petitioned, and the merits of the election would have been tried by a committee upon their oaths. Had the bailiff, doubting, as he pretends, the legality of my majority, returned, as he undoubtedly might have done, Lord Hood and Sir Cecil Wray, then I should have petitioned, and one of Mr. Grenville's committees would have redressed me. Had he returned Lord Hood alone, still it was cognizable by Grenville's bill. A petition against an undue return would have been presented, and this House would infallibly have prevented all interference in the matter, except in appointing the committee. Or if he had returned the three candidates, the double return entitled it to a priority of hearing (upon that great and fundamental maxim, that the first object was to have the House complete), and a committee under Grenville's bill would instantly have tried the merits of the return, and rescued the case from the prejudices and party influence of the House of Commons. At all events, my sitting here for Kirkwall rendered an immediate discussion and decision upon the business indispensable, as petitions complaining of pluralities of election are always heard in order, next to double returns: thus you see with what dexterity this has been managed.

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* C. 14.

"This curious return had two views: first, to exclude me from sitting for Westminster; secondly, to deprive me of the advantage of Mr. Grenville's bill. And, Sir, does any man think this return was the fabrication of Mr. Thomas Corbett? The party spirit and personal rancour, so visible in his defence before this House, confirm that he has all the disposition, if not all the ability, in the world to do me every mischief; yet I cannot be persuaded, when I consider who they are that take the lead in his vindication before this House, and when I observe how very familiar they appear to be with this historical return (as my noble friend has well called it), that so peculiar, so ingenious, and so original, a fragment as this, could ever have been his sole production. In a word, Sir, this cursed historical return, this return unmatched and unprecedented in the history of Parliament, is the only species of return that could have robbed me and the independent electors of Westminster of a fair hearing before that admirable judicature instituted by Mr. Grenville's bill.

"A learned gentleman who appears at your bar for the high bailiff, admits that no instance of this kind ever happened before; and to induce the House to support his client, he says, it will never happen again. How he comes to know that a line of conduct, so convenient to a minister, so well suited to those who have the power to oppress, and a disposition to exert every power against those they dislike, will not be repeated, the learned gentleman himself best knows; but surely, after such an admission, to pray the sanction of this House for an act allowedly unprecedented is somewhat singular. The learned gentleman's prophecy is surprising it is true; but the argument drawn from that prophecy is still more surprising. Grant the scrutiny, says he, in this case; but you certainly never will do the like again. Perpetrate the most gross and glaring injustice deliberately, for you will never commit a similar outrage hereafter. A good understanding, however, seems to prevail between those within and those outside of the bar; and the intimation of a learned gentleman over against me, of an intention to bring in a bill to regulate this matter in future, does, in a great measure, account for the prediction of the high bailiff's counsel, that this iniquitous precedent will be no example for future imitation. Now, Sir, I take the first opportunity of declaring, that a bill declaring the law, after a decision directly contrary to law, shall be opposed by me with all the faculties and force I am master of. This is no new principle with me. I have ever set myself against the affectation of applying a remedy upon erroneous decisions subversive of law in supreme courts of judicature. In the case of the determination concerning general bonds of resignation of church-livings in the House of Lords last year, a bill passed there, and was sent afterwards to this House, the purport of which was, to declare the law in that case, after a determination, which reversed the uniform current of decisions in Westminster Hall for a series of ages.* Such a bill would have been most fatal in its example, because it would have taken away the only check, restraint, and control, upon courts of *dernier* appeal. It would take away the general public inconvenience arising from the false determinations of superior courts. I opposed that bill, Sir, and opposed it with success, for this House rejected it. I shall oppose the bill suggested by the learned gentleman upon the same principle, and every other bill of the same tendency. For surely there cannot be a more barefaced violence of decency and justice—a grosser mockery of the common sense of mankind, than to authorise a scrutiny, in direct opposition to the whole tide of precedents, and exactly subversive of positive law; because you intend to bring in a bill to prevent the repetition, in future time, of so scandalous and shocking a proceeding.

" An incident occurs to me which it will be proper to mention. Much discussion formerly took place upon this subject of regulating scrutinies, and especially at the time of the Oxfordshire election* (concerning which election I shall presently trouble the House with a few observations). Great pains and labour were employed then, with a view to frame an Act of Parliament upon the subject; and a great man, whose name I mention only in the purest respect and reverence for his character (Lord Mansfield), took an active part, and gave the whole attention of his extensive and shining talents to the business. Yet, after the most deliberate and mature consideration of the subject, even he abandoned it, in the despair of being able to accomplish any system of management from which many evils and various disadvantages, impossible to be remedied, might not flow. All attempts to regulate scrutinies by Act of Parliament were then, consequently, given up. The learned gentleman (Mr. Hardinge) will excuse me, if I cannot easily believe that he will effect that which Lord Mansfield relinquished as impracticable; and even this consideration would be an additional motive with me in not hastily assenting to a bill of the complexion suggested by him to the House upon the present subject.

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* Mr. Fox here refers to the case of the Bishop of London *v.* Ffytche (3 Burn's Eccl. Law, 325; 1 East, 487; 3 Doug., 142). In that case the House of Lords (30th May, 1783), held that a presentation to a benefice after a *general* bond of resignation, that is, a bond to resign upon the request of the patron, is illegal: the bond being given for the purpose of obtaining the presentation, and, therefore, simoniacal. By 9 Geo. IV., c. 94, a bond to resign in favour of any one person whomsoever, to be specially named and described therein, or of one of two persons, both to be specially named and described therein, and each of them being, either by blood or marriage, an uncle, son, grandson, brother, nephew, or grandnephew of the patron specified in the Act, is made effectual at law, and may be enforced in equity.

"I have said that this business had no precedent in the annals of Parliament. The gentlemen on the other side (the Ministry) do not attempt, because they dare not, to show that this high bailiff is justified by any. The only cases they venture to touch upon are, the cases of Oxfordshire and Westminster; and yet these two cases are fundamentally and altogether against them. Could they cite any instances more apposite, undoubtedly they would never have alluded to those which, under a hope of giving some colour to the matter in question, do absolutely, positively, and substantially make against them. If out of the mass of precedents I were to choose one, to prove the grossness of this proceeding, I think it would be the very case of Oxfordshire. The candidates who, at that election, were lowest on the poll, demanded a scrutiny, and the sheriff granted it. Every one knows that the sheriff carried his partialities for the losing candidates, who demanded the scrutiny, to the greatest lengths; yet, partial as he was, and although his friends were diminishing their opponent's majority daily by the scrutiny, he gave them notice that his duty bound him to stop the scrutiny, for the purpose of making his return on the day the writ was returnable: he accordingly stopped it, and made his return. If this sheriff, interested as he was for those who were gaining by the scrutiny, conceived it possible for him to be sanctioned by any law or precedent in making a special return, and going on with the scrutiny, would he not have done so? Undoubtedly he would; and the kind of return he made, proves that he would if he thought he might. Unwilling that those who were obnoxious to him should sit in the House, he returns all the four candidates; and this he does as the last and greatest act of friendship he could confer on his friends, previous to the extinction of his authority, namely, the return of the writ. I do not say that in making this double return the sheriff did right: but, right or wrong, it proves this—that all the service he could render his friends he did. Does any one doubt that the two candidates, thus aided by the sheriff, and in the act of growing daily upon their adversaries by the scrutiny, would not prefer the partial, the kind and favouring tribunal of their determined friend the sheriff, to the House of Commons, had they supposed that anything could justify him in continuing the scrutiny after the meeting of Parliament? But so frightful an idea was never cherished; and they held themselves bound for ever in gratitude to the sheriff for having included them in his return. An honourable gentleman, whom I see in his place, but who I believe neither sees nor hears me at this moment (Mr. Jenkinson), knows full well that all I am stating relative to the Oxfordshire election is strictly true. He cannot easily have forgotten the part he took in that memorable transaction. He engaged eagerly in the contest, and embarked in that interest, which I should certainly have embraced, had I been of an age to form an opinion and to act upon it. That honourable gentleman can attest the veracity of this recital; but it were vain flattery, I fear, to hope that he will rise up to-night and vindicate, by his voice and his vote, the principles of the cause he then supported, and which gained his friends the election.

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* At the general election in 1754, the candidates for Oxfordshire were Lord Viscount Wenman, Sir James Dashwood, Lord Parker, and Sir Edward Turner. After a strong contest a majority was declared, at the close of the poll, in favour of Lord Wenman and Sir James Dashwood; but a scrutiny was demanded in behalf of Lord Parker and Sir Edward Turner, and granted by the sheriff, the returning officer. The scrutiny not having been completed by the day on which the writ was returnable, the sheriff made a double return of the four candidates. The election was ultimately decided in favour of Lord Parker and Sir Edward Turner.

"He must remember that a long discussion took place in this House, touching the right of a certain class of copyhold tenants who voted for those who had the majority upon the poll;* and that the disqualification of this description of voters seated those in the House who were lowest upon the poll and the scrutiny. And here I must observe, what a strong and unanswerable confirmation of the point I am endeavouring to establish springs from a careful review of the Oxfordshire case. The cause of the unsuccessful candidates was pleaded at the bar by one of the greatest characters of that time, and one of the greatest ornaments of this, I mean Lord Camden, *quem gratia honoris nomino.* A question was agitated to ascertain a peculiar qualification, which bore the most inauspicious, and, as it afterwards proved, the most fatal aspect towards his clients. If any objection to determine the point upon that ground could possibly be supported, does any one doubt that his ingenuity and penetration would not have discovered it? Does any one doubt that he would have enforced that objection with all that perspicuity and fervour of eloquence which so much characterize that noble lord? But the idea of a sheriff withholding a return, on account of a scrutiny, never once occurred to him, nor to those who managed it within the bar; nor do I believe, until this time (to answer the laudable purpose of the present moment) did it ever enter into the head of any man as legal or practicable. So much for the Oxfordshire case, which, I maintain, goes with us in all its points and principles.

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* See Parl. Hist., vol. xv., p. 431 *et seq.;* and also Sir William Blackstone's tract, entitled "Considerations on Copyholders." The class of copyholders alluded to by Mr. Fox, are those who hold their estates not "*at the will of the lord according to the custom of the manor,*" but simply "*according to the custom of the manor.*" In consequence of the proceedings relative to the Oxfordshire election, the 31st Geo. II., c. 14, was passed, by which it was enacted that no person holding his estate by copy of court-roll should vote at the election of any Knight of the Shire within England or Wales under a penalty of £50. By the Reform Act, copyholders are now, however, entitled to vote at county elections.

"With respect to the Westminster case, in 1749, a learned gentleman (Mr. Hardinge), who has spoken with much liveliness, but without one word of legal argument, tells you, the scrutiny then and the scrutiny now are cases exactly in point. In contradiction to that, I affirm, that not the least similitude subsists between them. In this case, the writ is returnable upon the 18th of May; in that, no precise time was mentioned for the return; and here consists the whole difference. Every one knows that the election of Trentham and Vandeput was upon a vacancy, in consequence of Lord Trentham's accepting a seat at the Board of Admiralty. Upon a general election, the King calls a Parliament for the dispatch of great and urgent affairs, and he calls it to meet upon a particular day: now, Sir, observe, if there be no compulsion upon returning officers to make their returns by that express time, what is to become of the great and urgent affairs for the dispatch of which his Majesty calls a Parliament?

"Can you reconcile for one moment, that the nation should be bound by laws, and burthened with taxes to which they did not consent; that the King should have no Parliament, and the people no representatives, to dispatch the weighty and urgent affairs they are called to consider by a particular day, only because it is the whim, or fancy, or wickedness, of a returning officer, at his leisure, to keep them employed in the long, laborious business of a scrutiny? But, during the existence of Parliament, when a writ issues upon a vacancy, no particular day is named for its return. A poll or a scrutiny (which means only a continuation of the poll in another form,) may be carried on, because it does not in the least infringe upon the exigency of the writ; because no particular time is mentioned for the return, and because his Majesty does not call upon that individual representative to come upon a precise day, for the dispatch of great and urgent affairs that affect his people, as upon a general election. This, therefore, constitutes the distinction; and it is a wide and material distinction. The grievance from the absence of one representative is slight, and the law in that case admits a scrutiny; but, in the other case, to withhold the return beyond the time appointed, is infringing the exigency, and violating the terms on which it was issued; which are, that the Parliament must meet upon that express day, for that express purpose.

"Why there should be this distinction—why the compulsion of a return, by a specified period, should not exist, as well in cases of vacancy as of general election, is not now the point in dispute. If it be, as I think it is, a defect, it only serves to prove, that in the best works of human wisdom there are flaws and imperfections. Our aim is to find out what is the law, not why it is the law; and, from the whole, it is clear, that the high bailiff of Westminster, in overstepping this distinction, and granting a scrutiny to commence after the day of the general return, has broken every statute that appears upon this subject in your books, and gone in the face of every precedent that can be found in your journals." [Mr. Fox said a few words upon the Carnarvon case, and upon something that fell from the Master of the Rolls upon it. The Master of the Rolls made a short observation.]

"The third ground," resumed Mr. Fox, "upon which I shall take up this subject, is upon that of the analogies of law; and upon this I shall detain the House only with a few words; not only because my ignorance of that profession disqualifies me from treating the point fully, but because all that can be said has been urged, with the greatest force and effect possible, by the learned gentlemen who appeared at your bar in my behalf; the proof of which is, that not a position they have advanced upon the legal analogies has been controverted by the learned gentleman who pleaded for the high bailiff without the bar, or those venerable judges and crown lawyers who have attempted to defend him within the bar. Little, therefore, remains for me to say; but, little as I affect to have of information upon this part of the subject, I have enough to know, that wherever the gentlemen on the other side have attempted to assimilate this case with legal analogies they have completely and entirely failed. They have endeavoured to establish, that an officer may go on to execute the object for which the writ was issued from the courts in Westminster Hall, even after the day on which the writ is returnable. Yes, Sir, he may go on; but how? Upon the authority of the expired writ?—No, by no means. He goes on by a new power given him by that court whence the writ originally issues, to complete that which the premature expiration of his first commission prevented his accomplishing. In a word, the court has the power of rendering effectual its own process, and therefore grants a writ of *venditioni exponas*, where the sheriff has not been able to sell the goods levied under the first writ; and many other writs of different titles, for the purpose of completing that process the court has begun. But has any man said, that without a fresh authority, any sheriff, or any officer of any court of law, can proceed a single step under the old writ one single hour after the day named for its return? I say, no, Sir. There is not one man, however ignorant in other things, who does not know that all the authorities of all writs are defunct and extinct on the day named for their return. It is admitted, that the court can grant a new power to complete its own process. Now, Sir, to show the gentlemen on the other side that they have not a shred of analogy to support them, I will suppose for a moment that the writ under which the high bailiff carried on this election had been issued from this court; what writ, or what legal authority, can you give him to finish that which, he says, is still depending? None, I say, Sir. A court of law can effectuate its own process, by giving its officer a new power on the demise of the old; but did you ever hear of one court granting an authority to accomplish the purpose of a writ issued from another? Never. Such a thing was never heard of. And how stands the fact here? that the Court of Chancery issues the writ, and the House of Commons (another court,) is to send forth a fresh writ, to finish that which has not been finished under the King's writ issuing from chancery, the duration of which ceased on the 18th of May. See the infinite absurdity into which these poor attempts to make out analogies involve the supporters of the high bailiff. Will they say, though this House cannot issue a supplemental power, the usual officer for making out parliamentary writs can? Try it, Sir, and you will puzzle all the writ-framers belonging to the House. I will venture to say, that all the skill of the Crown Office, and all the skill of the Court of Chancery combined, will be at a loss in what shape or mode to frame an instrument so exotic and hideous. I will not push this point farther, satisfied that no candid man can have a second opinion upon the subject; and shall conclude this part of my speech with affirming, that the statutes, the precedents, and analogies of law, assert and establish the truth of my honourable friend's motion; and that, by those three tests, I am clearly entitled to the judgment of this House against the conduct of the high bailiff of Westminster.

"The fourth and last ground of consideration, is upon that of expediency, upon sound sense, and general policy; and here I shall have as little trouble as upon the three former grounds to establish every position, and to show the House the iniquity of this proceeding. The conduct of this bailiff not only violates the spirit and letter of every law, but absolutely, in so far, subverts the main principles of the British constitution. When the King calls a new Parliament, the fair presumption is, that the 'great and urgent affairs,' for which he calls them together, demand their immediate deliberation. It is clear that our ancestors were extremely cautious that nothing should prevent or obstruct their meeting; and, lest returning-officers should be instrumental to this obstruction, all the statutes, and all the precedents, that bear upon this matter confirm their jealousy and prove their diligence to guard against abuses. The misconduct of returning-officers, the facility of the evil, and the dangerous consequences resulting from it, were the evident and avowed cause of making those laws which I have mentioned, and which were avowedly intended to restrain them. Let but the conduct of the high bailiff of Westminster be sanctified this night by this House, and I challenge the ingenuity of mankind to show a more effectual mode of putting the nation into the hands of returning-officers.

"What security can any man have, that a Parliament shall meet when the King calls it, if you establish this precedent? An honourable friend of mine, who has this day spoken for the first time (Sir James Erskine), and who has exhibited a power of fancy, and force of argument, that give a high promise of his making a splendid figure in this House, has said, it was possible the House of Commons of England might, upon the assembling of a new Parliament, be confined to the members from Scotland, where all scrutinies precede elections, and where the positiveness of the law prevents the commission of these knaveries. Now, although the brilliant fancy of my honourable friend might, perhaps, have stretched the possibility a little too far, is there a man who will engage, that this case once sanctified, the example will not be followed to the most calamitous excess? The exact number of five hundred and thirteen English members might not, indeed, be absent upon the meeting of a new Parliament; but will any man say why twenty, why sixty, why one hundred, nay, why two hundred, might not, by the ignorance, by the caprice, by the folly, by the stupidity, or (what is more analogous to the case in question,) by the baseness or treachery of a returning-officer, remain unreturned? Here I must notice the low, the little, the miserable, allusions which are so frequently made, by those over against me, to the place that did me the honour of sending me to Parliament; but it is a poor and a pitiful kind of triumph. Much as they may affect to exult, nothing can be clearer than their disappointment upon the occasion; and the petition lately presented against my seat for Kirkwall, proves their mortification to a certainty. And indeed it appears from the conduct of Government, that Scotland is the only place that could return me, as the same shameless persecution would, no doubt, have followed me in any other place in England. Fortunately there was one part of the kingdom where their oppression could not prosper, and from which their violence and injustice could not exclude me.

"Sir, I do really believe that the supporters of this extraordinary business look but a short way, and do not at all calculate or count upon its probable effects. If there had not been an Act of Parliament expressly to regulate scrutinies in the city of London, who can say that, at this moment, when laws are to be made as serious and interesting as any that ever passed in this country; when great and weighty impositions must be laid upon the subjects; when new and important regulations are to be entered upon, concerning the commerce, the credit, and revenues of the nation; who can say that at this time the capital of the country, so deeply and supremely interested in all these objects, might not be deprived of representation as well as the city of Westminster? But, Sir, I beg pardon—I am doing injustice. The sheriffs of London are too well acquainted with their duty, and too zealous for the honourable discharge of it, to have been guilty of so gross an outrage upon the laws of the land, or lent themselves to be the vile and sordid instruments of so base a business.

"But the character of an officer is a weak security against the abuse of an office. Under men less informed and less tenacious of their official reputation, who can say (if an express act had not rendered it impossible) that the patrons of Sir Cecil Wray, who are also the patrons of Mr. Atkinson, might not practise the same stratagem in the city of London, and, by that manœuvre, prevent the wishes and the sentiments of the capital from being declared in this House, through the constitutional organ of their representatives? They, Sir, I affirm, are weak and foolish men, rash and giddy politicians, who, by supporting a measure of this kind, become parties in a precedent capable of producing consequences which strike at the source and root of all legislation. For it is the fundamental maxim of our constitution, that the consent of the people, by their representatives, is essential and indispensable to those laws that are to govern them.

"Upon this, however, a curious sort of reasoning is adopted; and a noble lord (Mulgrave) sees no evil in a defect of representatives for Westminster, as it is virtually represented by those who sit here for other places. In the principle that every member is bound to the common interest of all, I certainly do agree, but I beg leave to set myself wholly against the general argument of virtual representation. We have too much of virtual, and too little of real, representation in this House; and to the present hour, I never heard that the most determined enemy to a parliamentary reform ever urged that the virtual representation of the country was so complete a substitute for real representation, as to deem it wise and salutary upon slight occasions, or upon any occasion, to lessen that which is already much too little. The whole tide of reasoning has, on the contrary, run in the other channel, and the great argument for a parliamentary reform has been founded upon this very defect of real representation, which the noble lord over against me is so zealous to diminish. As the right honourable gentleman near him, however (Mr. Pitt), is the professed friend of that reform in the representation of the people of the country, which I have in common with him so long laboured in vain to accomplish, I shall hope to see him stating this very case of Westminster, to induce the House to adopt the motion which will be made upon that subject by my honourable friend (Mr. Sawbridge) in a few days. Of the prosperity of that motion I now entertain real confidence; the boasted power in this House of the right honourable gentleman insures success to any measure he abets. No question, therefore, can be entertained of attaining it, if the right honourable gentleman is serious upon the subject; for surely the people of England can never be persuaded, that the majority which supported the Minister in vindicating a direct violation of the law of the land, in the person of Mr. Corbett, could have failed him in endeavouring to effect an object so long looked for, so loudly called for, and so essentially necessary to the security of the constitution and the good of the nation, as a reform in the palpably defective representation of the people in this House.

"The same noble lord attempts to strengthen his cause with a species of argument still more extraordinary, if possible, than the former, although of nearly the same nature. He tells you, that representing Westminster has been a mere naval honour; and, after stating the choice of Lord Rodney when on foreign service, leads you to this inference, that the electors of Westminster are wholly unsolicitous whether they are represented or not. This is rating the electors of Westminster at a low estimate indeed; but

I, Sir, who know them better than the noble lord, deny that they are so insensible to the blessings of the British constitution as his argument pretends. The electors of Westminster have rescued themselves from this imputation, Sir; they are seriously anxious to be represented, and they tell you so. But I remember when absence was deemed a disqualification for naval officers upon a Westminster election. I remember, when Lord Hood was in the zenith of his fame, that a person now in my eye (Lord Mahon) urged his absence to the electors as a ground of rejection, and advised them to prefer Sir Cecil Wray, who was present and able to represent them, to Lord Hood, who was absent and unable. This, though not my argument (whose opinion is uniformly that all electors of all places should elect the men of their choice), was the exact argument of the present supporters of Lord Hood, in favour of Sir Cecil Wray, who then opposed him, but who now (in his enmity to any junction after past opposition, in his utter abhorrence of all coalitions,) is linked with that very Lord Hood in ties of friendship and good faith, which he certainly never will violate.

"Efforts, Sir, have been made to explain the Act of George II. to the exculpation of this high bailiff; and his supporters affect to justify him upon his declared difficulty in making up his conscience.* Why, Sir, the very Act they attempt to shield him under is his strongest condemnation. The oath imposed in that Act only binds him to decide to the best of his judgment. Lives there one man who shall say, 'This man would have incurred the penalties of perjury if he had returned the majority upon the poll?' Lives there one man who thinks the disquietude of his conscience alone prompted him to make the return he has made, when they must see a thousand instances every day of decisions of conscience, in cases a thousand times more ambiguous and solemn? I will ask the House, whether this high bailiff has appeared to them, in the course of this business, so spotless, so immaculate, so consistent, as to induce them to give him credit for a delicacy of nerve and a tenderness of scruple, beyond any other man living? Every person in the exercise of a judicial function stands precisely in his predicament. What should become of us, if a judge were for ever to delay justice until he could make up his conscience to the minutest point of precise accuracy upon every doubt? There are few cases upon which a man cannot form some opinion: all that is required here is, to form the best opinion he can; and if seven weeks did not afford the high bailiff time enough to determine, it is surely hard with those who are obliged to decide almost immediately in the most important interests of humanity. My honourable friend who made this motion, with that weight and wisdom that accompany all his observations, has adverted to the case of jurors. Have you, then, patience at this man's pretence of conscience, when you reflect that twelve men must all concur before they go out of court in a judgment which, perhaps, assigns a fellow-creature to an ignominious death? the case may be doubtful too, and they must all concur in a few hours at most.

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* The statute alluded to, 2nd Geo. II., c. 24, imposes an oath on all returning-officers to "return such person or persons as shall to the best of their judgment appear to have a majority of legal votes."

"It is unnecessary to push this point further. I appeal to the House. There are feelings which even party prejudices cannot dispossess us of. We owe to each other a certain candour; and I am sure I should be thoroughly satisfied to put this matter to the private answer of any man who hears me, if I were only to ask him, upon his honour as a gentleman, whether he really believes the return of this high bailiff is an act of conscience? And whether he thinks, if I stood in Sir Cecil Wray's place, and he had my majority, that we should ever have heard of this man's difficulty in giving judgment; or ever have been insulted with this mockery of his scruples?

"To show, in another striking point of view, that this scrutiny is against the law, let the House reflect, for a moment, upon its utter inefficacy to enable the high bailiff to form a judgment; as that is the pretended cause of it. What means has he of exploring those things which he now affects to entertain doubts upon? He can command no witness; he can compel no appearance; he has no legal authority of penetrating the obscurity of any fact like other judges; he can administer no oath; he can impart no remedy to the party aggrieved, by so tedious and vexatious a process; he can award no costs; he can try no offence that occurs in the execution of this important duty; he is governed by no precedents; he is bound by no decisions; what he affirms to-day he may deny to-morrow; he has, in a word, all the means of doing injustice, and no one power or competent faculty to do justice. Yet to this species of tribunal is this House going (in violation of law and practice) to send me and my cause, on purpose to evade one which is fully adequate, effective, and vigorous: I mean a committee under Grenville's bill.

"A noble lord expresses his suspicions of the sincerity of my praises of Grenville's bill, and says, he imagines there is 'a snake in the grass.' It is most true that I had my doubts upon the effects of that bill when it first passed into a law. But, Sir, it is exerting the worst tyranny upon the understanding of men, if they are to be for ever condemned for having entertained doubts upon a subject purely theoretical. Extinct is every idea of freedom, and lost is the boasted liberty of debate, and the spirit of free-thinking in this country, if men are to be debarred from profiting by practice, and changing opinion upon the conviction of experiment. All I can say, Sir, is that the many salutary effects of that bill have long since completely converted me; and I do assure you, in great sincerity, that no man living reveres and loves it more than I do. There can be no stronger proof of its superior excellence, than that the evasion of it is the only possible means by which his Majesty's Ministers could perpetrate this gross act of injustice. The most infallible of all tests, the test of repeated practice, asserts its virtues; and my attachment to it is not a little increased, for that it resembles that inestimable right,—one of the few that Englishmen have yet to boast—the trial by jury. Oh, that it were possible to mould this House into the size and character of a jury—of twelve men acting, indeed, upon conscience, and sworn upon oath, to give a true verdict according to evidence! How easy should I feel concerning the issue of this discussion!

"In addition to all these arguments, will the House reflect that this scrutiny is not final in deciding the right of sitting here? Will they reflect that, after all the waste of time, after all the expense, all the labour, all the fatigue, which are indispensable upon it, its termination (whenever it may happen) is but the commencement of another process, before a judicature capable and competent to administer justice, with a new series of expense, and labour, and fatigue? And who can tell us when this scrutiny shall conclude? The granting it is not more illegal and oppressive than the duration is uncertain and indefinite. Who can promise when such a conscience as Corbett's will be quieted? And who will venture to say, that after one, two, three, or ten years' investigation, the high bailiff's conscience may not be as unsatisfied, even upon the scrutiny, as it appears at this moment, after a seven weeks' poll?

"'But,' say the supporters of the high bailiff, 'this House will take care that there is no vexatious delay in the business, and will, from time to time, call upon him for a return, or for the cause that may prevent his making one.' I understand that argument perfectly well, Sir; and it is of itself sufficient to show the grossness of this proceeding. When the bailiff will be called upon to make a return, and when he will obey that call, can be very easily conceived indeed. If it were possible for this man, in the course of this scrutiny, to strike off from my numbers so many as would place Sir Cecil Wray at the head of the poll, I have not the smallest doubt that all delays subsequent to such an event would appear just as frivolous, as vexatious and oppressive, to the gentlemen on the opposite bench (the Ministry), and to the high bailiff's conscience, as the whole proceeding now appears to me and to the injured electors of Westminster. Upon all the considerations, therefore, that I have mentioned—the inordinate expense; the inefficacy of the tribunal; the obvious necessity of afterwards resorting to a more adequate and competent judicature; the certainty that this precedent will be the source of future oppressions; the dangerous example of it to other returning officers, who, under the sanction of this case, can give full scope to their partialities, their caprices, and corruptions; the circumstance of depriving so great and respectable a body of men of their representation in this House; the recognizing that dreadful doctrine, that a king may be without a Parliament, and the people without representation, at the mere will and bare discretion of any low, mean, ignorant, base, and wretched being, who may happen to be a returning officer; from all these considerations, therefore, I am convinced, and I hope I have convinced this House, that if no statute could be found upon the subject, that if the common law were silent, and that legal analogies gave no light upon the subject, even upon the grounds of common sense and expediency, the law is clear and intelligible. But, when all these concur to define and decide the law; when positive statutes, when practice and precedents, when the analogies of law, and the arguments of expediency, founded upon the immutable principles of wisdom, reason, and sound policy, all combine and unite to establish and to assert it, can I have any fear to say that this motion ought to pass, and that the high bailiff of Westminster, instead of being permitted to proceed with this scrutiny, should make a return of members for the city of Westminster?

"Some gentlemen have argued that this motion does not agree with the prayer of the petition which was presented by me with a view of its being referred to a committee." [Here the Minister gave a token across the House, as if to deny the fact.] "Really, Sir, if there is not enough of candour to admit this assertion without being explained, there seems but little chance of a fair hearing, or of a fair construction, upon points much more material. I again declare it was presented for the purpose I have described. A majority of this House decided that the petition was not cognizable by Mr. Grenville's bill; and it was upon a suggestion from the other side of the House, that I presented it the same day to save time, and prayed that counsel might be heard at the bar in favour of it. The sole object of that petition was, that this House might order such a return as would come under the jurisdiction of a committee; the motion before you goes precisely to the same point, and to no other.

"To that argument, if it deserve the name of argument, that we are inconsistent in desiring the high bailiff to make a return, when we contend that all his authority under that writ is completely defunct; it is almost unnecessary to reply, because it evidently defeats itself. In contending that the high bailiff was *functus officio* on the 18th of May we are fortified by law; and in desiring he would make some return we are justified by precedent.

"We contend, and contend with truth, that the writ under which the high bailiff carried on the election, being returnable on the 18th of May, on that very day deprived the bailiff of all judicial authority, and divested him of all legal power under that writ. To proceed with a scrutiny is a great act of authority; to tell us who have in his opinion the majority of legal votes, is not. That this House should order a returning officer to commence a scrutiny several days after the positive day on which his writ was returnable, cannot be paralleled by a single case in all the history of Parliament; that it should order a returning officer, who tells you he proceeded to an election, carried on a poll for a sufficient time, and that he then closed that poll of his own authority, to make a return, has happened again and again. We do not desire him to exercise any jurisdiction under that writ now, we only desire him to acquaint us with the fruits of the jurisdiction which he has exercised under it. 'I have done so and so,' says the high bailiff. 'Tell us what you mean,' is all we say. 'I have, on such a day, proceeded to an election,' says he; 'I have carried on a poll for forty days; I have, on the day before the return of the writ, closed that poll of my own authority.' 'All this we understand; in all this you did your duty; only tell us who are the candidates chosen upon this long poll? We do not mean to say you have at present any authority to do anything under that writ; all we want to know is, what you have done when you had authority under it?' Let the House reflect upon this fair and reasonable distinction, and they will see the paltriness of those quibbles, the misery of those low subterfuges, which imply that we would bring 'a dead man to life,' and which imply an inconsistency between the motion and the arguments advanced in support of it.

"What, I beg leave to ask, has appeared to the House extraordinary or uncommon in the election for Westminster, that justifies this matchless violence? In all the variety of evidence they have heard at the bar, has there been a proof of one single bad vote on my side? Not one. But there was much hearsay that I had bad votes. Sir Cecil Wray and his agents told the high bailiff they heard I had. Good God, Sir, am I addressing men of common sense? Did any of you ever yet hear of an election wherein the losing candidate did not charge bad votes and bad practices upon the fortunate candidate? Peevishness upon miscarriage is, perhaps, an error, but it is the habit of human nature; and was the high bailiff so little 'hackneyed in the ways of men, as to be unapprised of this frailty; or, are the discontents of Sir Cecil Wray, and the loose accusations of his agents, the extraordinary things which the House sees in the Westminster election, to justify this proceeding? Is the length of the election one of these uncommon incidents? By no means. The same thing happened at Bristol, where, without doubt, a scrutiny had been granted if the returning officer had thought the law would have borne him out in it. The same thing happened at Lancaster, where a scrutiny was demanded and refused; and where, when the connexions of one* of the candidates are considered, no doubt can be entertained that every stratagem to procrastinate, every scheme to perplex, every expedient to harass, all that a disposition, not the mildest when victorious, nor the most patient when vanquished, all that wealth, all that the wantonness of wealth could do, would have been exerted; and where a plan so admirably calculated for litigation, for vexation, for expense, for oppression, as a scrutiny, would not have been omitted, had it been found legal or practicable.

"Let the House reflect for a moment upon the facility of a collusion in a case of this sort, to keep a candidate from his seat, whose right to it is clear, unquestioned, and unquestionable. Suppose that not one single bad vote had been given for Lord Hood in the late election, and that the noble lord were not (he best knows why) resigned and easy under this proceeding. What could be more hard and cruel than his situation? Does not the House see that Ministers will be enabled by this precedent, to exclude an obnoxious candidate for an indefinite space of time, even though his majority be the most undoubted possible, and his election the fairest in the world? It is only for the losing candidate to demand, and for the returning officer to grant a scrutiny. These are some of the evils that present themselves upon the recognition of this practice, as right and legal. For my part, I see nothing in the late election for Westminster peculiar and distinct from many other elections, but this singly—that I was one of the candidates. In that light it is already seen by every cool, dispassionate, and sensible man; and that the whole nation will contemplate and construe the business of this night as an act of personal oppression, I am thoroughly convinced; nor can they think otherwise, when they learn that, in all the law-books of this country, in all your journals, in all the histories of Parliament, in all the annals of elections, in this great land of elections, where, from time to time, all that power, all that ingenuity, all that opulence could devise or execute, has been tried in elections; where, in the vast masses of cases that have happened, in all the multiplied variety of singular and curious contests we read and hear of, nothing is found that assimilates or authorises this scrutiny, under these circumstances, not even by the worst of men in the worst of times.

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* Mr. Lowther, nephew of Sir James Lowther, who had been just (24th May, 1784) raised to the peerage by the titles of Baron and Viscount Lowther and Earl of Lonsdale.

"Sir, I will acquit the right honourable gentleman over against me (Mr. Pitt) of being the author of, or of being a voluntary instrument in this vile affair; and in that concession, Sir, I do not give him much—it is but crediting him for a little common sense, indeed, when I suppose that, from a regard to that government of which he is the nominal leader, from a regard to his own character with the world at this time, and his reputation with posterity, he acts his part in this business not without concern. That he may be accusable of too servile a compliance is probable enough; but of a free agency in it I believe he is guiltless. Not to him, Sir, but to its true cause, do I attribute this shameful attack: to that black, that obstinate, that stupid spirit, which, by strange infatuation, pervades, and has pervaded, the counsels of this country, throughout the whole course of this unfortunate and calamitous reign; to that weak, that fatal, that damnable system, which has been the cause of all our disgraces, and all our miseries: to those secret advisers, who hate with rancour, and revenge with cruelty. To those malignant men, whose character it is to harass the object of their enmity with a relentless and insatiate spirit of revenge; to those, Sir, and not to the right honourable gentleman, do I impute this unexampled persecution.

"Having said so much as to the real authors of this measure, there remains another consideration with which I am desirous to impress the House; it is a consideration, however, which, in policy, I ought to conceal, because it will be an additional incitement to my enemies to proceed in their career with vigour; but it will, nevertheless, show the extreme oppression and glaring impolicy of this scrutiny. I mean the consideration of expense.

"I have had a variety of calculations made upon the subject of this scrutiny, and the lowest of all the estimates is £18,000. This, Sir, is a serious and an alarming consideration. But I know, it may be said, (and with a pitiful triumph it, perhaps, will be said,) that this is no injury to me, inasmuch as I shall bear but a small part of the burden. But this, Sir, is, to me, the bitterest of all reflections.

"Affluence is, on many accounts, an enviable state; but if ever my mind anguished for and sought that situation, it is upon this occasion; it is to find, that, when I can bear but a small part of this enormous load of wanton expenditure, the misfortune of my being obnoxious to bad men in high authority should extend beyond myself: it is, when I find, that those friends whom I respect for their generosity, whom I value for their virtues, whom I love for their attachment to me, and those spirited constituents to whom I am bound by every tie of obligation, by every feeling of gratitude, should, besides the great and important injury they receive, in having no representation in the popular legislature of this country, be forced into a wicked waste of idle and fruitless costs, only because they are too kind, too partial to me. This, Sir, is their crime, and for their adherence to their political principles, and their personal predilection for me, they are to be punished with these complicated hardships.

"These, Sir, are sad and severe reflections; and although I am convinced they will infuse fresh courage into my enemies, and animate them the more to carry every enmity to the most vexatious and vindictive extremity, still it shows the wickedness of this scrutiny, and the fatality of its effects as an example for future Ministers.

"Little remains for me now to say upon this subject; and I am sure I am unwilling to trespass more upon the House than is barely necessary. I cannot, however, omit to make an observation upon an argument of two learned gentlemen (the Lord Advocate and Mr. Hardinge), who concluded two very singular speeches with this very singular position: That the House had only to choose between issuing a new writ, or ordering the scrutiny; that, in its lenity, it might adopt the latter method, but their opinion was for issuing a new writ. Now, Sir, if I, who think the old writ totally annihilated; who think that its powers and authorities have been completely extinct since the 18th of May, had delivered such an opinion, there would have been nothing in it inconsistent; and I should certainly be for issuing a new writ in preference to a scrutiny, if the law, the reason of the thing, and practice of Parliament, did not convince me, that the high bailiff having finished the election on the 17th, might make a return as of that day. But for the learned gentlemen who contend that the old writ is still in full vigour and force; who think that the high bailiff has acted constitutionally and legally, and that a scrutiny may go on after the return of the writ; for those gentlemen to assert, that issuing a new one would be the fitter measure, is indeed extraordinary. But, Sir, against that position, that the House might order the scrutiny to proceed, as a measure of lenity, I beg leave directly to oppose myself; I beg leave to deprecate such lenity, such oppressive, such cruel lenity!

"To issue a new writ is a severe injustice and a great hardship; but if I am forced to the alternative, if I am driven to the necessity of choosing between two evils, I do implore the House rather to issue a new writ, than to order this scrutiny. Nothing can possibly be half so injurious, half so burthensome, half so vexatious to me and to my friends, as this scrutiny; and it is evidently ineffectual, as it cannot be supposed that I should finally submit to the decision of a tribunal from which I have so little justice to expect. There is nothing, I assure the House, to which I should not rather resort, than to the conscience of Mr. Thomas Corbett; upon whom, I do not expect, that the translation of the scene from Covent Garden to St. Ann's, or proceeding upon a scrutiny instead of a poll, will operate such conversions, as to give me any hope of his displaying any other character, or appearing in any other light, than that in which I have seen him upon many occasions in his official capacity. Therefore, Sir, if it be only the alternative, I beg that the issuing a new writ may be the alternative you will adopt. In that case I assure the right honourable gentleman (Mr. Pitt) that I shall immediately apply to him for the stewardship of the Chiltern Hundreds to vacate my seat for Kirkwall, and instantly throw myself, as my only chance for the honour of sitting in this House, upon the good opinion of the electors of Westminster; who, in a season of phrenzy and general delusion; who, when artifice, fallacy, and imposture prevailed but too successfully in other parts of the country, discovered a sagacity, a firmness, and a steadiness, superior to the effects of a vulgar and silly clamour; and who, upon the very spot, the very scene of action, manifested that they understood and despised the hypocrisy, the fraud and falsehood which gulled and duped their fellow-subjects in other places. In the event of a new election, I do anticipate future triumphs more brilliant, more splendid, if possible, than those I had lately the honour of enjoying. Little fear do I feel of success with the electors of Westminster, who will not, I am sure, abandon me, until I desert those principles which first recommended me to their favour.

" A person of great rank in this House threw out a hint or threat, I know not which to call it, in a former debate, 'that I should not again disturb the peace of the city of Westminster.' Good God, Sir, did any man ever hear such aggravating, such insulting, insinuations? I disturb the peace of Westminster! Is that honourable gentleman not contented with breaking every law, with violating every statute, with overturning every analogy and every precedent, to accomplish this business; but must he, at the very moment he thus makes a deep breach in the English constitution, complete the catalogue of injury, by adding pertness and personal contumely, to every species of rash and inconsiderate violence? I! I disturb the peace of this city, who have three times had the honour of representing it in this House! I! who was favoured with the free suffrages of its electors, long, long before any of those who lately opposed me, were ever talked of, ever thought of, for such a distinction! Every man qualified to sit in Parliament has a right to offer himself wherever he thinks proper; and it is indecent, daring, and audacious, in any man, to insinuate that he ought not to disturb the peace of the place. I, therefore, hope, Sir, that a language so peculiarly false and unbecoming towards me, and so directly repugnant to the genius and spirit of the constitution will meet with the disapprobation it deserves in this House, as it certainly will be received with merited odium and execration out of this House.

" Upon the generous protection of the electors of this city I shall certainly throw myself, in case of a new writ; and, in doing so, Sir, well I am aware, what series of various difficulties I have to encounter. Expenses at elections, in despite of every effort to reduce them, still continue most exorbitant; and how ill-matched in funds and certain inexhaustible resources I stand with my opponents, is, indeed, very unnecessary to explain. But, Sir, it is not in the article of expenses that I should most dread the operation of that power that sustains my adversaries: that power which discovers itself in characters that cannot be mistaken through every part of this transaction. I must be blind not to see that the hand of Government appears throughout this matter. When I consider the extreme care employed in preparing it for the measures which have been taken in this House in consequence of it; when I consider the evident determination not to let it rest here; when I consider the extraordinary zeal and anxiety of particular persons in this House to shelter and to sanctify this high bailiff; when I consider the situation of those who take the lead and are most active in his vindication; when I consider the indifference of my adversaries to the expenses which result from this scrutiny, but which expenses must be a severe stroke upon the spirit and independence of those by whom I am supported; when I consider that all that artifice could dictate, and power could execute, have been exerted upon this occasion, I can have no doubt that the hand of a revengeful Government pervades it all. The opposition of such a Government upon an election, is a discouraging circumstance; and the likelihood of renewing again those events which I have witnessed within the last two months, is indeed a formidable and terrific prospect.

" When I look back, Sir, to all the shameful and shocking scenes of the Westminster election; when I consider that my enemies practised all that was possible of injustice, indecency, and irreverence, in their efforts to overwhelm me; when I consider the gross, the frontless, prostitution of names too sacred to be mentioned; when I consider that all the influence of all the various branches of Government was employed against me, in contempt of propriety and defiance of law; when I consider, that a body of men was brought, in the appearance of constables, to the place of election, under the command of a magistrate, and against the express opinion of all the other magistrates of Westminster; that these constables broke that peace they were bound to preserve, and created a riot, which proved fatal to one of their own body; when I consider, that this was made the pretence of a wanton, an indecent, and unconstitutional, introduction of the military, in violation of all that has been done by our ancestors to keep sacred the freedom of election; when I consider, that the lives of innocent men were deemed light and trivial impediments to the gratification of that implacable spirit of revenge, which appears through the whole of this business; when I consider, that several men of the lower order of life, whose only crime was appearing in my interest, were confined many weeks in prison and obliged to stand trial,* and that others, of the higher rank, ingenious and amiable men, valuable for their qualities, respectable for their characters, distinguished for their abilities, and every way meriting the esteem of mankind, were also attacked without the show of a pretence, and obliged to undergo the ceremony of a public acquittal from the foul crime of murder; when I consider that palpable perjury and subornation of perjury were employed to accomplish the sanguinary object of this base conspiracy; when I consider that the malignity of my enemies has stopped at nothing, however gross and wicked, to ruin me and all that appeared in my interest; when I consider all this, Sir, I cannot, indeed, but look with some anxiety to the circumstance of a new election.

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* These men were tried at the bar of the Old Bailey, and acquitted. A bill of

"I am not, Sir, it is well known, of a melancholy complexion, or of a desponding turn of mind, yet the idea of again combating this host of oppressions might, in other situations, deter me from the risk. But I owe too much to the electors of Westminster, ever to abandon them from the dread of any consequences; and I do assure you, that I should conceive a new writ, with the hazard of all these hardships, as a great indulgence and favour, compared to that mockery, that insult upon judicature,—a scrutiny under Mr. Thomas Corbett.

"Sir, I have nothing more to say upon this subject. Whatever may be the fate of the question, it will be a pleasing reflection to me, that I have delivered my opinions at full upon a point so important to that great and respectable body of men to whom I am so much indebted; and I sincerely thank the House for the honour of their patience and attention through so long a speech.

"To the right honourable gentleman over against me (Mr. Pitt) I will beg leave to offer a little advice. If he condemns this measure, let him not stoop to be the instrument of its success. Let him well weigh the consequences of what he is about, and look to the future effect of it upon the nation at large. Let him take care, that when they see all the powers of his administration employed to overwhelm an individual, men's eyes may not open sooner than they would if he conducted himself within some bounds of decent discretion, and did not thus openly violate the sacred principles of the constitution. A moderate use of his power might the longer keep people from reflecting upon the extraordinary means by which he acquired it. But if the right honourable gentleman neglects his duty, I shall not forget mine. Though he may exert all the influence of his situation to harass and persecute, he shall find that we are incapable of unbecoming submissions. There is a principle of resistance in mankind, which will not brook such injuries; and a good cause and a good heart will animate men to struggle in proportion to the size of their wrongs and the grossness of their oppressors. If the House rejects this motion, and establishes the fatal precedent that follows that rejection, I confess I shall begin to think there is little to be expected

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indictment was also found against Mr. O'Bryen, but no evidence was produced against him in court.

from such a House of Commons. But let the question terminate as it may, I feel myself bound to maintain an unbroken spirit through such complicated difficulties; and I have this reflection to solace me, that this unexampled injustice could never have succeeded, but by the most dangerous and desperate exertions of a Government, which, rather than not wound the object of their enmity, scrupled not to break down all the barriers of law—to run counter to the known custom of our ancestors—to violate all that we have of practice and precedent upon this subject, and to strike a deep blow into the very vitals of the English constitution, without any other inducement, or temptation, or necessity, except the malignant wish of gratifying an inordinate and implacable spirit of resentment."

Upon a division, Mr. W. Ellis's motion was rejected by a majority of 195 to 117.

As soon as the House resumed, Lord Mulgrave moved, "That the high bailiff of the city of Westminster do proceed in the scrutiny for the said city with all practicable dispatch." This was strenuously opposed by Mr. Fox, as a motion that the House was not bound to come to, and as a question that called necessarily for a considerable share of discussion before gentlemen could possibly make up their minds upon it, so as to decide whether it ought to pass or not. If he should not take any step in the scrutiny, but protest against its illegality, which was probable, he might incur a contempt of the orders of the House; but the glaring evil of the motion was, that the House should step between him and justice against the high bailiff in the courts below. Mr. Lee followed Mr. Fox with similar arguments. He much doubted the legality of the House coming to such a decision, since it was interfering, by one of their orders, with the duty of the high bailiff, who acted under a different authority; and concluded with moving a question of adjournment. Mr. Fox seconded this motion, and called upon his friends for support in opposing the original motion. After a short conversation, the House divided on the question of adjournment: Yeas, 90; Noes, 178. So it passed in the negative. The main question was then put and carried, and the high bailiff having been called to the bar, the Speaker acquainted him with the above resolution; agreeably to which, the high bailiff proceeded with the scrutiny during the remainder of the session and during the recess.

1785, February. On the meeting of Parliament in the next session, the Westminster scrutiny, which had now lasted for eight months, attracted the early attention of the House. In this time one parish only had been scrutinized, and the scrutiny in the second was still proceeding; the result was, that one hundred and five votes had been struck off the poll of Mr. Fox, and eighty-seven from that of Sir Cecil Wray.

On the 9th of February, Mr. Welbore Ellis moved, "That it appearing to this House that Thomas Corbett, Esquire, high bailiff of Westminster, having received a precept from the sheriff of Middlesex, for electing two citizens to serve in Parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept of members chosen in pursuance thereof." To this motion Lord Mulgrave moved an amendment, which was carried by a majority of 174 to 135.

A similar motion to that which had been moved by Mr. W. Ellis, on the 9th of February, was repeated by Colonel Fitzpatrick on the 21st of the same month, and again lost by a majority of only nine ; the numbers hvaing been 145 to 136. On the 3rd of March, the same motion was again brought forward by Mr. Alderman Sawbridge. Upon this an adjournment was moved by Mr. Pitt, and negatived by 162 to 124. The original motion was then put and carried. After which, Mr. Fox rose and moved, "That the entries in the journal of the House, of the 8th of June, in the last session of Parliament, of the proceedings of the House, in relation to the last election for the city of Westminster, be expunged from the said journal." The debate upon this motion was adjourned to the 9th of March ; when, upon a division, there were 139 for the motion and 244 against it. In the meantime, namely, on the 4th of March, the high bailiff had made a return of Lord Hood and Mr. Fox.

The proceedings on the Westminster election occasioned the passing of the 25 Geo. III., c. 84, by which it was enacted, that the duration of polls should be limited to fifteen days ; that when, upon a general election, a scrutiny should be demanded and granted, a return to the writ should be made on or before the day on which such writ is returnable ; and that in all cases of any election upon a writ issued during a session or prorogation of Parliament, in which a scrutiny should be demanded and granted, a return should be made within thirty days after the close of the poll, or sooner, if the same could conveniently be made. And it was further enacted by the same act, that when returns to writs of election were not made in the manner therein specified, a select committee might, upon the petition of a voter, or of the person or persons claiming a right to be returned, be appointed to adjudicate on the same as in the case of a controverted election.*

Mr. Pitt's East India Bill.

1784. On the 6th of July, Mr. Pitt obtained leave to bring in a bill "for the better regulation and management of the affairs of the East India Company, and of the British Possessions in India."

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* Mr. Fox afterwards brought an action in the Court of Common Pleas against Mr. Corbett, the high bailiff, for not having returned him in due time, so that the sheriff for the county of Middlesex might have made a return to his writ on the day appointed. This action was tried at Westminster on the 19th of June, 1786, before Lord Loughborough, and the jury gave a verdict for the plaintiff, with £2,000 damages. On the 21st of June, a rule *nisi* was obtained to arrest the judgment; and a few days afterwards, that rule was discharged,—no cause being shown,—and final judgment entered up.—Heywood on County Elections, p. 655 *et seq.* By sec. lviii. of the Reform Act, 2 Wm. IV., c. 45, scrutinies before returning-officers are abolished.

This measure, which, subsequently, in the course of the same session, was passed into a law, established the Board of Control: the duties of which were, "from time to time, to superintend, direct, and control all acts, operations, and measures, which, in anywise relate to the civil, or military government, or revenues of the British Territorial Possessions in the East Indies." The Board was to be appointed by the King, and to consist of six members of his privy council, of whom one of the principal Secretaries of State and the Chancellor of the Exchequer were, by virtue of their offices, to be of the number. It was to have access to, and might be furnished with copies of, all papers of the company. Copies of all dispatches received from, and proposed to be sent to, the company's servants in India were to be delivered to it. Within fourteen days of the receipt of the latter, they were to be returned with its approbation, or its reasons at large for disapproving them. And the Directors were to forward them as approved or amended. The Court of Directors were to be governed and bound by such orders and directions as they should receive from the Board, touching the civil or military government and revenues of the British Territorial Possessions in the East Indies. In case the Board should send any orders or instructions to the Directors to be transmitted to India, which, in the opinion of the Directors, should relate to points not connected with the civil or military government and revenues of the company's territories, then the Directors might appeal to his Majesty in council touching the same; and the decision thereupon should be final. But in case the Board should be of opinion that any matter concerning the levying of war, or making of peace, or negotiating with any native prince or state in India, should require secrecy, then it was empowered to send secret orders and instructions to a secret Committee, to be composed of three Directors, who were required, without disclosing them, to transmit them to India. The Board was not to have the appointment of any of the company's servants. The supreme government of India was to consist of a governor-general and three councillors, the commander-in-chief of the company's forces having a voice in council next after the governor-general,* but he was not to succeed to the office of governor-general, unless specially appointed by the General Court of Directors. In case of a vacancy of the office of governor-general, the councillor next in rank to the commander-in-chief should succeed to such office, and hold the same until the appointment of a successor. The governments of the other presidencies of Madras and Bombay were similarly constituted, but both were placed completely under the control and direction of the governor-general in council, in all points connected with any negotiations to be carried on with the native powers, or relating to war or peace, or to the application of their revenues or forces in time of war, or to such other points as should be referred by the Court of Directors to the superintendence and control of the supreme government. The King, or the Court of Directors, were empowered to recall any governor-general or other person holding any civil or military office under the company; and if, within two months after notice of any vacancy had been received by the Directors, they did not fill it up, the Crown became possessed of the nomination. No order or proceeding of the Court of Directors which had been approved by the Board, should be revoked or altered by the General Court of Proprietors.

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* By sect. 5 of 26 Geo. III., c. 16, this provision was repealed, and the commanders-in-chief of the three presidencies were prohibited from being members of council, unless specially appointed.

The second part of the bill contained a variety of internal regulations respecting the affairs of India. The clauses relative to the debts of the Nabob of Arcot, to the disputes between him and the Rajah of Tanjore, and to the relief of dispossessed Zemindars, and other native landholders, were adopted from Mr. Fox's India bill, with some exceptions and limitations. Various restrictions were also laid upon the patronage of the Directors, and retrenchments directed to be made in the company's establishments.

The third part of the bill related to the punishment of Indian delinquency. All persons holding office under the Crown or the company, and receiving presents, were to be deemed guilty of extortion. All servants of the company were, within two calendar months after their return to this country, to deliver in, upon oath, before the Lord Chief Baron, or any two of the other Barons of the Court of Exchequer, an inventory of all their real and personal estate which they possessed at the time of their arrival here, specifying what part was not acquired, or purchased by property acquired, by their residence in India.* A tribunal was appointed for the trial of all persons holding office under the Crown or the company, and charged with extortion or other misdemeanors in India, consisting of a judge from each of the Courts of King's Bench, Common Pleas, and Exchequer; four members of the House of Lords to be chosen by ballot at the commencement of every session; and six members of the House of Commons to be chosen in the same manner. Regulations were made for the taking of depositions in India, touching any offence to be prosecuted in the manner before mentioned, and the depositions so taken were to be received as legal evidence. The superintendence of all commercial matters was left, as formerly, in the hands of the Directors.

The difference between the bills proposed by Mr. Fox and Mr. Pitt consisted chiefly in the following points:—That of Mr. Fox entirely took away the commerce from the company; it abolished the Court of Directors, and deprived the company of every appointment, civil, military, and commercial, both at home and abroad, vesting the whole patronage in the new commissioners. Mr. Pitt's bill left the commerce and the whole of the patronage with the company; and secured to the executive of the mother country a superintendence over the political affairs of India, by placing them under the control of a branch of the general government of the empire. Mr. Fox's commissioners, on the other hand, were not to be dependent at all upon his Majesty's Ministers, or to hold any communication with them.

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* This provision was repealed by sect. 31 of the 26th Geo. III., c. 57.

July 16*th*. On the motion for going into committee on Mr. Pitt's bill, Mr. Fox rose, and discussed the principle of the bill. He began with saying, "That he rose in the present stage to object to the Speaker's leaving the chair, because he found himself under the necessity of objecting to the bill *toto cælo*, in all its parts, and in its fundamental principles. He had flattered himself that the right honourable gentleman's second and third propositions, namely, those relating to the regulations, and the new judicature to be appointed for India, would be so far conformable to the opinions which he held on the subject, that he should have been able to have gone into the committee, and for this reason he had foreborne to say anything on the second reading of the bill; but, now that the bill was printed, and that he was able to examine the two latter parts as well as the first, he must freely and explicitly declare, that he objected to the whole. He thought the principles of the bill the direct opposite of what they ought to be with regard to the regulations as well as the government; and he could never consent to the institution of the sort of tribunal stated in the bill, without giving up every principle on which he had been taught to approve of the criminal judicature of England.

"As he objected, therefore, to the principle of the bill, the present was the stage in which he must deliver his opinions. He begged the House, at the same time, not to be deceived by the distinctions which it was now the incessant practice to make, between the principles and the objects of a bill. It had lately become the practice to confound the one with the other. It was often said to them, 'What! would you refuse to go into the committee on a bill which has for its principle to reform the abuses of India? Would you object to a bill which is to restore the Zemindars to their possessions, and which is to punish delinquents?' They thus artfully confounded the matter; for these were not the principles, but the objects, of the bill. The principles were very different; and to the principles, that was to the foundations, of the bill, the House was ever to look; and when these were not good, they were not justifiable in going to a committee, merely because the end was desirable. No man upon earth acknowledged with more readiness than he did, the necessity of the object of the present bill; no man would go greater lengths to accomplish it; but he could not accept of the principles of this bill as the means; much less could he believe that those means, if accepted, would be effectual.

"With regard to the first part of the bill, namely, the settlement of the government of India, he must observe that, during the discussions on the bill which he had the honour to propose to the last Parliament, it was asserted that he had violated the chartered rights of the company, and chartered rights were of so sacred a nature, that nothing but extreme necessity could justify their violation. The right honourable the Chancellor of the Exchequer had made the confession, that necessities might arise to justify the rescinding of a charter; and it was well he did so; for if ever a charter was completely and totally annulled, it was the charter of the East India Company by the present bill. He by no means brought this as a charge against the right honourable gentleman. It was his opinion that the charter of the company ought to be annulled. It had always been his opinion that no charter ought to exist pernicious to the community whom it affected, and that the rights of a few ought not to stand in competition with the well-being and happiness of the whole. This had always been his opinion, and the Chancellor of the Exchequer had come over to it. He had abandoned his former opinion on this subject. He repeated, that he by no means brought this against him as a charge; on the contrary, he wished to God he had abandoned all his other opinions, and all the principles on which he came into office—he should like him and his Ministry the better.

" When the right honourable gentleman brought in his former bill,* he said that his intrenchment on the charter of the company was not a violation, because he had the consent of the company. On the present occasion, however, the House had heard of no consent. The consent, indeed, which the right honourable gentleman then stood upon was a fallacy; because in a community like the East India Company, the consent of every individual proprietor was necessary to a surrender, and alone could make it legal; for where every individual proprietor of stock was concerned and involved, it was a fallacy to say that a resolution of the general court, hastily convened, poorly attended, or even consisting of a majority, could make a surrender of the properties of those who were absent. Then it was a delusion; but here this circumstance was wanting—there was no consent even hinted at, and in reality none had been given. He begged, then, that they might hear no more of his bill having violated chartered rights, and that therefore it was not to be borne; the present bill was guilty, if it was guilt, of equal violation; and it had this peculiar quality, that it violated the charters of the company without promising to amend the general interests of the empire.

" The right honourable gentleman had abandoned his ground with respect to commissioners. He had adopted the notion contained in his bill, of vesting the powers in the hands of commissioners; and he must again repeat, that he wished to God he had abandoned all his other principles. He wished he had abandoned the principles on which he came into power—principles which were neither honourable to himself nor safe for the country. The right honourable gentleman," continued Mr. Fox, " has taken notice of what my honourable friend (Mr. Francis) has said respecting the preamble of the bill. In my mind, the observation of my honourable friend is perfectly just; but the omission of the abuses by the framers of the bill has been very artful.

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* In January, 1784, shortly after his accession to office, Mr. Pitt introduced a bill " for the better government and management of the affairs of the East India Company." This measure was rejected by the Commons on the motion for its committal.

If they had stated the grievances of the East Indies, they would have exposed the weakness of the bill; for they would have shown, that not one of its provisions was calculated to redress the grievances which the preamble would have stated to exist. This is my idea, and I trust I shall be able to show the House that it is a bill calculated to increase every principle that has given rise to the calamities of India; that instead of reforming, it is calculated to perpetuate, the abuses which exist, and to put the conclusive seal to the miserable system of that country.

"What, Sir, are the principles of the calamities in India? Are they, that worse men have been sent to India in the government of our affairs than those who go elsewhere, or who stay at home? No: the men are not worse, but the temptations to delinquency have been greater, and the greater distance from the seat of government has given impunity to abuse. If this is the source of the calamity, which I contend it is, what is the remedy? Surely, that the power shall in future be given to persons on the spot here, who, consequently, will have neither the temptations nor the impunity. Instead of which the bill before us gives more temptation and power to the Governor in India. He is rendered infinitely more capable of abuse, and he is set more above the reach of punishment. What has been declared as the next principle of our calamities? That orders from home have been disobeyed in India, and that no instructions which have been sent out have at any time been regarded. What is the evident remedy for this evil? Surely, to make the chief officer in India so directly dependent on the source of government at home that he shall not have it in his power, whatever may be his inclination, to disobey the orders which he may receive. Instead of which, the bill adds so considerably to the powers of the Governor there, that he has no check upon his ambition. If the bill had been framed by the delinquents themselves, it could not, in my mind, have been more directly calculated to perpetuate the abuses. Whether the bill may not have been framed by those delinquents, or at least by their emissaries, is a matter which it is not our business to discuss, whatever may be our suspicions.

"My next principle," continued Mr. Fox, "with regard to India, always has been, that whoever has the government ought also to have the patronage. The right honourable the Chancellor of the Exchequer may talk speciously in this House about the division of the power and the patronage; but in my mind, if there be a receipt, a nostrum for the making of a weak government, it is by giving the power of contriving measures to one, and the nomination of the persons who are to carry those measures into execution to another.

"Nothing, in my mind, can be more clear than this proposition, that the concerting of the measure and the appointing of the officer ought to be in the same breast. Instance a great army: If a plan of operations for an important campaign was concerted by one board, would it not be the height of madness and absurdity that the power of nominating the general who was to carry that plan into effect should be trusted to another? In such a ridiculous system, where would be the responsibility? The authors of the plan, if it miscarried, would say the fault was in the officer. The nominators of the officer would say it was in the plan. 'Oh, but,' say the ministers, 'we know that such a system would be too absurd to last, and, therefore, you see, we have the power of a negative.' I am pleased that they have anything that looks like unity; for surely nothing can be so ridiculous, and nothing so childish, as to disjoin the patronage from the government.

"If, for instance, the new commissioners should send out instructions to check all further accession of territory, all future sanguinary measures, all rapaciousness and bloodshed, and at the same time that the court of directors should appoint, which it is very probable they would do, Mr. Hastings to carry their instructions into execution—does not the bare statement of the case show the complete absurdity of the idea? Theories which do not connect measures with men are not theories for this world; they are the chimeras with which a recluse may divert his fancy, but they are not principles on which a statesman would found his system. Mr. Hastings, for instance, has declared his mind. He has shown us, by the experience of many years, that he has determined to disobey orders which tend to peace. But what are all the instances, compared with that daring act of disobedience—his not carrying into execution the orders for the restoration of Cheyte Sing?* [Here Major Scott † said across the table, 'No such orders were ever sent.'] Mr. Fox went on. "He thought they had been; but should he be ordered to replace Cheyte Sing, after he has declared that he will never consent to so degrading an instruction, what would be the feelings and sentiments of India on the occasion? Would they not say, these are pompous words; you preach out charity to the ear; you say 'peace, peace,' when there is no peace; you tell us that the sanguinary system shall be no longer pursued, and in the same breath you continue a person in power, of whom a learned gentleman (Mr. Dundas) some time ago said, 'that he never went out of

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* When the interest of the Nabob of Oude, in the territories of the Rajah of Benares, was transferred to the East India Company, in 1775, it was agreed that the Rajah should pay to the company a fixed tribute. This he continued to do punctually. Upon the breaking out of the French war, in 1778, the Rajah Cheyte Sing was called upon for an aid, in addition to his fixed tribute, of £50,000. The same sum was demanded and paid in each of the two following years. The Rajah was then required to keep a body of cavalry for the service of the British government. To this he objected, and sent, as a substitute, an offer of £200,000 for the public service; but it was replied that nothing less than half-a-million would be accepted. The Governor-General then went to Benares, which he reached on the 14th of August, 1781, and two days after his arrival placed the Rajah under arrest in his own palace. This treatment of their prince provoked an insurrection among the people of Benares, which resulted in the deposition and proscription of the Rajah, and the transfer of his territories to the British dominions. The Court of Directors, while they condemned the treatment which the Rajah had received, thought proper to declare that his deposition and proscription were justified by the insurrection.—Mill's British India, by Wilson, book v., c. 7. Edinb. Rev., vol. lxxiv., p. 209, *et seq.* The oppression and final expulsion of the Rajah Cheyte Sing formed one of the articles of impeachment against Mr. Warren Hastings.

† Major Scott was the agent in England of Mr. Warren Hastings.

Bengal without carrying blood and devastation in his train: that he never paid a visit to the borders but for the imprisonment of some prince, or the extermination of a people.' What else can we conceive of such inconsistency, but that you design to cheat us? We can have no opinion that you are serious. You have all along given the same instructions to the same man; he has always disobeyed them, and we, therefore, have no longer confidence in your sincerity.

"But the negative provides against the appointment of improper officers. The commissioners have a negative, and, therefore, they have full power. Here, then, is the complete annihilation of the power of the company. Ministers take the complete government into their hands, and here is a full and direct violation of chartered rights. That the bill originated in India, or that it was in all its parts suggested by men who had imbibed the politics of India, he verily believed. It was a scheme of dark and delusive art, and seemed to be built on the model of the attack made on the great Mogul and the King of Bengal. It worked upon the company's rights by a slow and gradual sap. The first assumption made by the minister was the power of superintendence and control. What he means by this power I cannot easily imagine. Does he mean such a superintendence and control as this House has over Ministers? No; for this House has not the power of giving official instructions. It is to be an 'active control'; and this is the next step. An active control is not a very clear species of authority, and may be carried to a very great length, until at last they give a full exposition of their views, and seize upon everything but the show of authority. Such, exactly, I am informed, was the plan by which the great Mogul and the King of Bengal were reduced to what they now are.

"To this artful and progressive scheme I peremptorily object. If it be right to vest the powers of the Court of Directors in a Board of Privy Counsellers, to which, however, I should object, it should, at any rate, be done openly. A great nation ought never to descend to gradual and insidious encroachment. Do what you wish for openly; and show the company that what you dared to do—you dare to justify. If the question were merely whether the powers ought to be continued in the hands of the Directors, or put into the hands of a Board of Privy Counsellors, I should not hesitate one moment to give it to the latter; but, unquestionably, I do not approve of the idea of giving it to a Board of Privy Counsellors.

"The great object in settling the government of India is to contrive the means of separating the commerce from the revenue. The right honourable the Chancellor of the Exchequer, who is infinitely more fond of talking about looking our situation in the face than he is of really doing so, has not upon this occasion, and in this instance, looked our situation in the face. I took much pains in my inquiry concerning the commerce and the revenue. I consulted with every one capable of giving me instruction, or of suggesting the means; but I could not devise the means of really and beneficially separating the commerce from the revenue. I found that they were so involved, as to be, for a time, at least, inseparable. I found that the revenue was absolutely necessary to the conducting of the commerce, and that the commerce was essential to the collection of the revenue. I felt the difficulty. I agreed with some of the most intelligent men, that a separation might be effected by time, but I looked our situation in the face, and finding the necessity of the state called for the government of India, I took the commerce as well as the government. This was my measure, and the House knows the cry which was circulated throughout the country. What was the measure of the right honourable gentleman? The board may send instructions to India in commercial matters, where they think the revenue is concerned. The Chancellor of the Exchequer and one of the Secretaries of State may do this. But if the company should conceive that the subject of the instructions is merely commercial, they may appeal—appeal to whom, from whom? Appeal from the Chancellor of the Exchequer, and one of the principal Secretaries of State for the time being, to the King in his council? What, will not the King in his council advise and take the opinion of the Chancellor of the Exchequer and the Secretary of State? Or is it insinuated by the bill, that the security of the company consists in the appeal being from the ostensible advisers of the king to the secret Junto, who are really the efficient ministers of the country? Is this, which has been with so much probability suspected to be the case, now to be acknowledged? Or is the appeal anything more than a fallacy and a farce?

"Here, then, is the difference between my abominable bill and the bill of the right honourable gentleman; between my bill, which has excited so much clamour, but upon which I am ready now, and ever shall be, to appeal from the public to the public; not doubting but that, however they were deluded by the nonsense of epithets for a time, they will form a true judgment at last. By my wicked bill the commerce was taken as well as the government. By this bill, if the commissioners do meddle with the commerce, the directors have the glorious privilege of appealing from the minister to the minister. My bill placed the commerce in the hands of nine gentlemen, who either were at that time, or had been formerly, in the direction, and who, consequently, were competent to the care of it. This bill gives government, territory, revenue, and commerce, to a Board of Privy Counsellors. This is a bill, in my mind, calculated to perpetuate weakness. It perpetuates weakness by dividing the power. Leave the entire powers with the Directors, or take them entirely away. There is no middle course to be run.

"I have been told since I came into the House, this day, that the clause of secrecy is to be withdrawn. I am glad to hear it, if it is meant fairly. It would have been highly absurd that such a contradictory system should have been established under the name of a government, where orders might secretly be conveyed to India by the commissioners, at the very moment when they were giving their open countenance to instructions to be sent from the Directors of a quite contrary tendency. It would have been a farce, a child's-play, rather than a government, to suffer such a scheme of dark intrigue.

"I now come to speak of the influence which has been made so much a topic of declamation and of clamour. I do not scruple to say, that I would infinitely rather see the influence erected at home than abroad, because I am sure that at home it would be much less than abroad. Will any man tell me, that if Mr. Hastings had been at home he would have been able to do the same things which, with his long arm, he has been able to do in India? Could he have withstood the resolutions which the learned gentleman (Mr. Dundas) so much to his honour, moved against him two years ago?* Or could he have had such influence as to have worked upon the same learned gentleman, after he had made the declaration which I have recalled to the memory of the House, namely, that Mr. Hastings never went to the borders of Bengal without having in view the imprisonment of a prince, or the extermination of a people, to state to the House much in his praise, and very little in his disfavour, and to say, that his recall was only a matter of expediency at the time? Could such a conversion have been accomplished by any person in England? No, Sir, it is the great India Governor at Calcutta whose influence I dread.

"'But,' say Ministers, 'the plan of succession by seniority and gradation will destroy the great influence of the Chief-governor in India.' Is this true? Are all captains alike? all majors, all colonels, all appointments of the same rank, civil and military? No, the source of influence in India is the service on which they are sent. One captain may be sent to one place, and another to another; one to Benares, another to Oude; and the great object is to procure the lucrative instead of the valueless destination. Hence, then, the absurdity of the projected scheme of seniority and gradation. By such a scheme you take from the power at home the means of securing the attachment and loyalty of the inferior. Compare it again to an army. The general must, undoubtedly, be invested with powers sufficient to the execution of the measures intrusted to him; but at the same time he should constantly be reminded that his authority is derived from a source to which all his army look up for preferment, and from which alone he can draw security for himself. Establish the principle, that all his officers and men should be advanced according to seniority and gradation, leaving to him the sole authority of sending this colonel to one service and that to another, and what is the consequence? That the army becomes the property of the general more than the king. Just so of the company. If the civil and military officers do not look to home for preferment, if their fortunes are to depend solely on the Chief-governor, what more have they to do than to court his favour, by entering into his views? If he should desire to disobey the instructions, his army is ready to support him, for the parent power has yielded up the means of drawing the expectations of the body to itself. Unhappy land! thus art thou devoted to the continuance of that pernicious system which has devastated thy fields, which has drenched itself in thy blood, and fattened on thy spoils! Thus, miserable people, are you to be abandoned to the merciless and insatiable lusts of a successive band of sanguinary adventurers, before whose eyes no punishment is set up equal to the temptations which the luxuries of your land present to them! Would it not be better to say to the governor you send out, 'Act as you please in Hindostan for these four years to come; do as you like; all I shall require from you is to give me an account of your transactions when you return?'

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* The resolutions referred to were agreed to by the House on the 28th of May, 1782, and were in the following terms:—

"That for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation, the Parliament of Great Britain should give some signal marks of its displeasure against those, in whatever degree entrusted with the charge of the East India Company's affairs, who shall appear wilfully to have adopted or countenanced a system tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation.

"That Warren Hastings, Esq., Governor-general of Bengal, and William Hornby, Esq., President of the Council at Bombay, having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-general and President from their respective offices, and to recall them to Great Britain."

"My bill was charged with erecting a fourth estate in the legislature. Did it erect any estate which did not exist at the time? The Court of Directors was the fourth estate, and my bill only changed the nature of that estate. It changed it from an estate without efficacy, to one which promised to have it. It changed it from one which, from its quality, was liable to much delusion, to one which, by being incessantly under the eye and inspection of Parliament, was less liable to imposition, or to misconduct. It changed it from one not controllable, to one constantly under check, and removable by address from either House. Could the commissioners have continued in office one moment after an address? They could not, like the present Ministers in the last Parliament, come to reason against the address.* They must have retired. If that board had been nominated and removable by the Crown, I may venture to suspect that the bill would not have been so harshly treated in another House.

"Had I made the board removable by the Crown, it might not have been so palatable to the last House of Commons; but to the other branches of the legislature I think I may venture to suspect it would have been more agreeable. I have been accused of grasping at power. Did I show such a disposition? The road was open. I had only to be instrumental to the influence of the Crown, to the increase of that influence which I had contributed to diminish, and the road to power was open. But it would neither have been honourable to myself, nor safe for the people. I chose my course; and I do not regret the personal consequences. This bill, on the contrary, increases the influence of the Crown without reforming the abuses of India; it goes a length which mine never presumed to go; and, indeed, it is too much the character of the present Ministry to subject the country to very great and alarming inconveniencies, for very uncertain, and, at best, but very slender good.

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* On the 1st of March, 1784, Mr. Fox moved and carried an address to the Crown for the removal from office of Mr. Pitt and his colleagues. His Majesty, however, did not dismiss Mr. Pitt's Administration.

"With regard to the regulations which are proposed with respect to presents, I think that, in the year 1784, they are idle and ridiculous. They were made in the year 1773. They were then made as strong as they can be now, and they have been of no avail. The only efficacious plan of putting an end to this and every other abuse is, by the institution of a vigorous government. Place vigorous powers in the hands of men constantly under the eye of Parliament, and what are the consequences? If they should come down and say, 'We sent our strict injunctions, but they have been disobeyed,' the answer would be apt and conclusive, 'Why do you not remove the disobedient officer? Instantly appoint his successor, and bring home the delinquent.' Such was the prospect which I had in the appointment of commissioners; and, so far am I from thinking that the institution of such a board would have given immense influence to the Ministers who should appoint, that even now, when I shall hardly be suspected of wishing permanency to the Ministers in being, I am most earnestly desirous that they should invest commissioners with complete power over the affairs of India; so anxious am I for the permanency of the Indian government.

"But I was asked, why should the Indian government be rendered more permanent than the British? It is more necessary, in my opinion, that there should be more permanency in a distant government than in a near one. Shocks in the one cannot be observed when they happen, and the effect of changes might not be seen in time to be remedied. My board had not complete permanency, but it had a chance for permanency by its constitution. From what source has all the weakness of the Indian Government sprung? From the variations which happened in our Government at home. Why has Mr. Hastings presumed to disobey the orders of Government? Because he has dependence on a party, which, in the chance of changes may be able to protect him by the time that his disobedience is known. I see an honourable gentleman (Major Scott) smile. Perhaps that honourable gentleman's smile means to insinuate that his great friend's dependence is on a power not liable to the changes of party, and from which all the calamities of the reign have originated. Perhaps it is too true, and too visible, that the present bill is the production of the same fountain. The time may come, and I trust it is not far distant, when the eyes of that quarter will be opened to the true interests of the Crown and the people.

"To sum up my objections to the first part of the bill, they are these. It provides for a weak government at home by the division of the power;

and it perpetuates the abuses in India by giving additional authority to the officers abroad. It is unstatesman-like in its principles; for it absurdly gives the power of originating measures to one board, and the nomination of officers for the execution of those measures to another. It increases influence without vesting responsibility; and it operates by dark intrigue, rather than by avowed authority.

"In regard to the second part of the bill, consisting of the regulations, I think, and always did, that the Zemindars and Polygars* ought to be restored to their possessions, and that the rents should be fixed and settled by a rule of past periods, and not of future inquiry. Begin fresh inquiries and assessments, and you give authority to the very evils which you profess to remove. I consider all the prohibitory clauses against presents, as mere words, and must do so in recollecting how much has already been tried, and to how little effect."

Mr. Fox here referred to the conduct of General Clavering, Colonel Monson, and Mr. Francis,† of which he spoke in the most handsome terms; he alluded to the memorable expression of Lord Thurlow, "that he wished the ship had gone to the bottom that conveyed them to India;" an expression which he softened, by saying, that he made the wish "because he could spare them out of the world." He treated this language in terms of strong indignation.

"The third part of the bill, which he should take notice of, was that which related to the mode of trial intended to be adopted, instead of a trial by jury. He had no objection to that part which legalized evidence to be taken in India, and properly transmitted here; but what he never could give his assent to, was the abolishing the trial by jury; for, although it was equally necessary for both judge and jury to possess a sound head, good sense, and an honest heart, yet the nature of their stations was widely different, one was to judge of the matter of fact, the other of the law; the jury had merely to consider of the evidence before them: and the only similar trial to the one in question that he knew of was that of a court-martial; but that materially differed, as every soldier at the time of his enlisting knew what tribunal he must submit to; but in the present instance, persons who had gone to India went out on the faith of being tried, if occasion offered, by the then known laws of the land, and not by any arbitrary mode that might be afterwards adopted; and if the present bill was not to affect any that had already gone abroad, it was, in fact, doing nothing. In a court-martial a man was tried by his peers, by men brought up in the same school, in the same profession, with the same notions of honour and discipline; but here there was a material difference, and, as the clauses were framed, it appeared to him intended more as a screen for delinquents, than as a punishment; for there were but two kinds of accusers, and who were they? Why, the company or the Crown. Now, suppose Mr. Hastings were to come home, would the attorney-general accuse him? No; certainly he would not; for the grave chancellor had declared the man innocent already. Well, then, would the company accuse him? Certainly not; for it would be an absurdity to suppose that the company who were his servants, his domestics, would dare to accuse him; therefore the tribunal might fairly be called a bed of justice, for justice would sleep upon it.

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* *Vide* Vol. i., p. 674, note.

† The regulating Act, 13 Geo. III., c. 63, which made many important alterations in the constitution of the company both at home and abroad, vested the supreme government of India in the Governor-general of Bengal and four councillors. Mr. Warren Hastings was the first Governor-general; and General Clavering, Colonel Monson, Mr. Philip Francis, the reputed author of Junius, and Mr. Barwell, an experienced servant of the company in India, were his four councillors. Of these, Mr. Barwell alone was acceptable to Mr. Hastings.

"The India company would be sure not to accuse him, for at the time he was committing the depredations in Oude,* to stop the mouth of the company, he sent them home an investment; and to curry favour, employed the son of the chairman, in direct opposition to the orders he had received from home; of course he was secure from the company, and had nothing to do but to make his peace with government; for he certainly was as much at their mercy as he would be in the most arbitrary and despotic country that ever was formed; for the mockery of four peers to be chosen, and seven commoners, was absurd to a degree, as every person must know that the Crown would have the appointment of the whole, and what chance did an individual stand who was to have the Crown for his accuser, with the power of choosing the judges who were to try and determine?" He was extremely severe on the reflections that had been cast on him, relative to invading the charter, and pointed out by what means it would now entirely be taken away from the proprietors; therefore he cautioned them to be careful, not in the blindness of their zeal for a man, however fair his character might be, to suffer him to do that which they would hereafter be sorry for, when too late." He concluded by saying, "He would not trouble the House any more at present, as he should have an opportunity in the committee, and he hoped several times before the bill passed, of pointing out to the country the danger there was in passing this bill, and the mortal stab it would give to the constitution of this country."

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* Asoph-ul-Dowlah succeeded his father, Sujah-ul-Dowlah, as Nabob of Oude. Having fallen greatly in arrear in his stipulated payments to the company, it was rendered necessary to devise means to obtain what he owed. The mother of the late Nabob, and his wife, were known as the Begums, or Princesses, of Oude. Sujah-ul-Dowlah, upon his death, gave certain landed estates, or jaghires, and a considerable portion of the treasure of which he was possessed, to these princesses. In consequence of some acts of extortion of the reigning Nabob towards his female relatives, the company had interfered between them, and had guaranteed to them the safe possession of their property, without any further encroachment. But, notwithstanding this guarantee, it was now stipulated that Asoph-ul-Dowlah should strip his mother and grandmother of their jaghires and treasure, and transfer them to the company, in satisfaction of its claims on the government of Oude. In order to give a colour to these proceedings, it was pretended that the princesses had taken advantage of the late insurrection at Benares to excite a revolt in Oude in favour of Cheyte Sing. The jaghires were readily taken possession of, but the treasure, which was in the palace of the princesses, was not so readily obtained. It was therefore resolved to imprison their agents, and subject them to a course of starvation and torture, in order to extract from them a surrender of the treasure committed to their care. After considerable delays and evasions, the Governor-General succeeded in obtaining about £1,200,000 from the princesses.—Mill's British India, book v., c. 8. Edin. Rev., vol. lxxiv., pp. 215 to 218. The maltreatment and robbery of the princesses of Oude formed a second of the charges of impeachment against Mr. Hastings.

After a long debate, the House divided on the question, That the Speaker do now leave the chair: Yeas, 271; Noes, 60. The House then went into committee.

On the 26th of July, Mr. Pitt's bill was read a third time and passed by the Commons, and on the 29th it was taken up to the Lords. It received the royal assent on the 9th of August.

IRISH COMMERCIAL PROPOSITIONS.

1785. *February* 22. Parliament was prorogued on the 20th of August, 1784, and met again on the 25th of January, 1785. During the period of its prorogation, the British Cabinet, in concert with commissioners appointed on the part of Ireland, had formed a plan for regulating and finally adjusting the commercial intercourse between the two kingdoms. On the 7th of February, Mr. Orde, the Secretary to the Lord Lieutenant, announced this system to the Irish House of Commons, and, four days afterwards, a set of resolutions, which he had previously laid on their table, was moved and agreed to by that House without much discussion, and without any material alterations. The concurrence of the Irish House of Peers having been soon after obtained, these resolutions were immediately transmitted to England, as the proposed basis, on the part of Ireland, for an equitable and final adjustment. Almost immediately after their arrival, the business was opened in the British House of Commons by Mr. Pitt, who, on the 22nd of February, moved, "That this House will immediately resolve itself into a committee of the whole House, to consider of so much of his Majesty's most gracious speech to both Houses of Parliament, upon the 25th day of January last, as relates to the adjustment of the commercial intercourse between Great Britain and Ireland." This motion having been agreed to, the various papers on the table relative to the trade of Great Britain and Ireland were referred to the committee. The House having resolved itself into a committee, Mr. Gilbert in the chair, the eleven resolutions agreed to by the Irish Parliament were then read, and were in the following terms:—

"Resolved, 1. 'That it is highy important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and for that purpose, that the intercourse and commerce be finally settled and regulated on permanent and equitable principles, for the mutual benefit of both countries.'

"2. 'That towards carrying into full effect so desirable a settlement, it is fit and proper, that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other, reciprocally, under the same regulations, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, should be fully drawn back on exportation to the other.'

"3. 'That for the same purpose, it is proper that no prohibition should exist in either country against the importation, use, or sale, of any article, the growth, product, or manufacture of the other; and that the duty on the importation of every such article, if subject to duty, in either country, should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty on any such article of its own consumption.'

"4. 'That in all cases where the duties on articles of the growth, product, or manufacture, of either country, are different on the importation into the other, it would be expedient that they should be reduced in the kingdom where they are the highest, to the amount payable in the other; and that all such articles should be exportable from the kingdom into which they shall be imported, as free from duty as the similar commodities or home manufactures of the same kingdom.'

"5. 'That for the same purpose, it is also proper, that in all cases where either kingdom shall charge articles of its own consumption with an internal duty on the manufacture, or a duty on the material, the same manufacture, when imported from the other, may be charged with a further duty on importation, to the same amount as the internal duty on the manufacture, or to an amount adequate to countervail the duty on the material, and shall be entitled to such drawbacks or bounties on exportation, as may leave the same subject to no heavier burden than the home-made manufacture; such further duty to continue so long only as the internal consumption shall be charged with the duty or duties, to balance which it shall be imposed, or until the manufacture, coming from the other kingdom, shall be subjected there to an equal burden, not drawn back or compensated on exportation.'

"6. 'That in order to give permanency to the settlement now intended to be established, it is necessary, that no prohibition, or new or additional duties, should be hereafter imposed, in either kingdom, on the importation of any article of the growth, product, or manufacture, of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution.'

"7. 'That for the same purpose it is necessary, further, that no prohibition, or new or additional duties, should be hereafter imposed, in either kingdom, on the exportation of any article of native growth, product, or manufacture, from thence to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits;

and also except where there now exists any prohibition which is not reciprocal, or any duty which is not equal in both kingdoms; in every which case the prohibition may be made reciprocal, or the duties raised so as to make them equal.

"8. 'That for the same purpose it is necessary, that no bounties whatsoever should be paid, or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and such as are in the nature of drawbacks or compensations for duties paid, and that no duty should be granted in this kingdom on the exportation of any article imported from the British plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback, or compensation of, or for duties paid over and above any duties paid thereon in Britain.'

"9. 'That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign states should be regulated from time to time, in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture, of the other.'

"10. 'That it is essential to the commercial interests of this country to prevent, as much as possible, an accumulation of national debt; and therefore it is highly expedient that the annual revenues of this kingdom should be made equal to its annual expenses.'

"11. 'That for the better protection of trade, whatever sum the gross hereditary revenue of this kingdom (after deducting all drawbacks, repayments, or bounties, granted in the nature of drawbacks) shall produce, over and above the sum of £656,000 in each year of peace, wherein the annual revenues shall be equal to the annual expenses, and in each year of war, without regard to such equality, should be appropriated towards the support of the naval force of the empire, in such manner as the Parliament of this kingdom shall direct.'"

As soon as the above resolutions had been read, Mr. Pitt rose. After taking a review of what had already been granted to Ireland by the British Parliament, he observed, that the concessions now proposed to be made to that kingdom, in order to put the two countries on a fair and equal footing, he should reduce to two heads: First, the importation of the produce of our colonies in the West Indies and America through Ireland into Great Britain; Second, a mutual exchange between the two countries of their respective productions and manufactures, upon equal terms. With regard to the first, he allowed it had the appearance of militating against the navigation laws, for which England had ever had the greatest partiality. But as she had already allowed Ireland to trade immediately and directly with the colonies, he could not see how the importing of the produce of those colonies circuitously through Ireland into Great Britain could injure the colonial trade of this country, which was a direct one, and therefore to be made at a less expense and risk, than that which was circuitous. In return for these concessions on the part of Great Britain, he proposed that Ireland should agree to the payment of a certain stipulated sum, yearly, out of the surplus of her hereditary revenue, towards defraying the general expenses of the empire. He concluded with moving the following resolution: "That it is the opinion of this committee, that it is highly important to the general interest of the empire, that the commercial intercourse between Great Britain and Ireland should be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the Parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus of the hereditary revenue of that kingdom towards defraying the expense of protecting the general commerce of the empire in time of peace."

Mr. Pitt observed "that he did not call upon the committee to give an immediate opinion on his proposition, but, on the contrary, he would move that the further consideration of the resolution be adjourned to a future day." This was accordingly done. The chairman reported progress, and asked leave to sit again.

A fortnight elapsed before the subject was again introduced. In the meantime, a report, prepared by the committee of the Board of Trade and Plantations, was laid by Mr. Pitt upon the table of the House, to assist its deliberations. This report was stated to be founded upon the declarations and opinions of some of the principal manufacturers and merchants in the kingdom, who had been examined by the above-mentioned committee; and its particular object was to prove the expediency of that part of the system which related to reducing the duties payable upon the importation of Irish produce and manufactures in Great Britain, to what the same sort of articles was charged with in this country.* In the meantime, also, the merchants and manufacturers who had been examined before the committee, joined by great numbers of others from every part of the nation, met together for the purpose of taking the Irish propositions into their consideration. During the course of their proceedings, it appeared that their opinions were in direct contradiction to the inferences which had been drawn upon their examination in the report laid before Parliament. Whether this was occasioned by any change which, upon a fuller consideration, had taken place in the minds of the merchants and manufacturers themselves, or whether the committee of the Board of Trade and Plantations had strained and perverted their declarations, it is not easy to determine. However, the consequence was, that it threw a considerable degree of discredit upon the report itself, and seemed to point out the necessity there was for the House of Commons to examine the different commercial and manufacturing bodies concerned, at their own bar. This mode of proceeding gave the first check to the system in its progress through the House.

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* See resolutions 3 and 4, page 203.

May 12. Two months having been occupied in hearing counsel, examining witnesses, and collecting the fullest information that could be obtained, Mr. Pitt now brought forward another set of resolutions, containing numerous and important alterations. The following were the resolutions now introduced :—

"Resolved, 1. 'That it is highly important to the general interest of the British empire, that the intercourse and commerce between Great Britain and Ireland hould be finally regulated on permanent and equitable principles, for the mutual benefit of both countries.

"2. 'That a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision equally permanent and secure shall be made by the Parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expenses, in time of peace, of protecting the trade and general interests of the empire.

"3. 'That, towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other reciprocally, under the same regulations and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture ; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters not imported from the British colonies in the West Indies or America, shall be fully drawn back on exportation to the other.

"4. 'That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland ; and, therefore, that it is essential towards carrying into effect the present settlement, that all laws which have been made or shall be made in Great Britain for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations, shall be in force in Ireland in the same manner as in Great Britain ; and that proper measures should from time to time be taken for effectually carrying the same into execution.

"5. 'That it is further essential to this settlement, that all goods and commodities of the growth, produce, or manufacture of British or foreign colonies, in America or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland, should, on importation, be subject to the same duties as the like goods are, or from time to time shall be subject to upon importation into Great Britain.

"6. 'That, in order to prevent illicit practices, injurious to the revenue and commerce of both kingdoms, it is expedient that all goods, whether of the growth, produce, or manufacture of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from

Ireland, or into Ireland from Great Britain, shall be put, by laws to be passed in the Parliament of the two kingdoms, under the same regulations with respect to bonds, cockets, and other instruments, to which the like goods are now subject, in passing from one port of Great Britain to another; and that all goods, the growth, produce, or manufacture of Ireland, imported into Great Britain, be accompanied with a like certificate, as is now required by law, on the importation of Irish linens into Great Britain.

"7. 'That, for the like purpose, it is also expedient that when any goods, the growth, produce, or manufacture of the British West India Islands, shall be shipped from Ireland for Great Britain, they shall be accompanied with such original certificates of the revenue officers of the British sugar-colonies as shall be required by law on importation into Great Britain; and that when the whole quantity included in one certificate shall not be shipped at any one time, the original certificate, properly endorsed as to quantity, should be sent with the first parcel; and to identify the remainder, if shipped at any future period, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what port.

"8. 'That it is essential, for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies or America, should from this time be made liable to such duties and drawbacks, and put under such regulations as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions than the like goods shall be burthened with when exported from Great Britain.

"9. 'That it is essential to the general commercial interests of the empire, that no goods of the growth, produce, or manufacture of any countries beyond the Cape of Good Hope, should be importable into Ireland from any foreign European country; and that, so long as the Parliament of this kingdom shall think it advisable that the commerce to the countries beyond the Cape of Good Hope shall be carried on solely by an exclusive company, no goods of the growth, produce, or manufacture of the said countries should be allowed to be imported into Ireland, but through Great Britain, and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture of that kingdom.

"10. 'That it is necessary, for the general benefit of the British empire, that no prohibition should exist in either country against the importation, use, or sale of any article, the growth, produce, or manufacture of the other (except such as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits,) and that the duty on the importation of every such article, if subject to duty in either country, should be precisely the same in the one country as in the other, except where an addition may be necessary, in either country, in consequence of an internal duty on any such article of its own consumption.

"11. 'That in all cases where the duties on articles of the growth, produce, or manufacture of either country, are different on the importation into the other, it is expedient that they should be reduced in the kingdom where they are the highest, to the amount payable in the other; and that all such articles should be exportable from the kingdom into which they shall be imported, as free from duty as any similar commodities or home manufactures of the same kingdom.

"12. 'That it is also proper, that in all cases where the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, the same manufacture, when imported from the other, may be charged with a further duty on importation, adequate to countervail the internal duty on the manufacture; except in the case of beer imported into Ireland; such further duty to continue so long only as the internal consumption shall be charged with the duty or duties, to balance which it shall be imposed; and that where there is a duty on the importation of the raw material of any manufacture, in one kingdom, greater than the duty on the like raw material in the other, or where the whole or part of such duty on the raw material is drawn back or compensated, on exportation of the manufacture from one kingdom to the other, such manufacture may, on its importation, be charged with such a countervailing duty, as may be sufficient to subject the same so imported to the same burdens as the manufacture composed of the like raw material is subject to, in consequence of duties on the importation of such material in the kingdom into which such manufacture is so imported; and the said manufactures so imported shall be entitled to such drawbacks or bounties on exportation as may leave the same subject to no heavier burden than the home-made manufacture.

"13. 'That, in order to give permanency to the settlement intended to be established, it is necessary that no prohibition, or new or additional duties, should be hereafter imposed, in either kingdom, on the importation of any article of the growth, produce, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution.

"14. 'That, for the same purpose, it is necessary, further, that no prohibition, or new or additional duty, should be hereafter imposed in either kingdom on the exportation of any article of native growth, product, or manufacture, from thence to the other; except such as either kingdom may deem expedient, from time to time, to impose upon corn, meal, malt, flour, and biscuits.

"15. 'That, for the same purpose, it is necessary that no bounties whatsoever should be paid or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, beer and spirits distilled from corn, and such as are in the nature of drawbacks, or compensations for duties paid; and that no bounty should be payable on the exportation of any article to any British colonies or plantations, or on the exportation of any article imported from the British plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Great Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback, or compensation of or for duties paid over and above any paid thereon in Britain.

"16. 'That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign states should be regulated, from time to time, in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other.

"17. 'That it is expedient that the copyrights of the authors and booksellers of Great Britain should continue to be protected in the manner they are at present, by the laws of Great Britain; and that it is just that measures should be taken by the Parliament of Ireland, for giving the like protection to the copyrights of the authors and booksellers of that kingdom.

"18. 'That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provisions) shall produce, after deducting all drawbacks, repayments, or bounties granted in the nature of drawbacks, over and above the sum of six hundred and fifty-six thousand pounds in each year, towards the support of the naval force of the empire, to be applied in such manner as the Parliament of Ireland shall direct, by an Act to be passed for that purpose, will be a satisfactory provision, proportioned to the growing prosperity of that kingdom, towards defraying, in time of peace, the necessary expenses of protecting the trade and general interests of the empire.' "

Mr. Pitt opened the business to the committee, and concluded a speech of considerable length with moving the first proposition. Lord North submitted it to the candour of the Chancellor of the Exchequer whether it would not be proper to adjourn the debate, and cause the new resolutions to be printed for the use of the members. Lord North having concluded his speech, after a short pause,

Mr. Fox rose and spoke as follows:—

"Mr. Gilbert, though I now rise to submit my sentiments on the present important subject, yet I beg it may be understood by the committee, that I shall cheerfully give way to any gentleman on the other side, who may be authorised to declare, that it is not meant to press us to a vote this night. I do not conceive it possible, indeed, that any objection can be made to the motion of my noble friend. The vast variety of matter perfectly new, as well as the numerous alterations of that which we had previously before us, demanding the most minute and accurate discussion, surely the right honourable the Chancellor of the Exchequer will not force the committee, at an hour so unseasonable, to come to a decision upon so difficult and so perplexed a subject. I have paused, Sir, to give an opportunity for discovering, if such be the intention of gentlemen; but from their continued silence, it is evident they are determined, at all events, to precipitate the committee to this extraordinary and unparalleled decision. I must, therefore, entreat a more than usual indulgence from the committee, if, compelled, as I find myself, to enter into this important discussion, I shall, even at so late an hour, intrude for a considerable length of time on their patience. The committee will recollect that, in addition to the eleven original propositions, no less than sixteen new ones are now, for the first time, submitted to Parliament; so that, at one o'clock in the morning, I have to enter into the discussion of no less than twenty-seven of the most important and complex propositions that ever were the subject of Parliamentary debate. Nor is this the whole of the difficulty: the sixteen supplemental propositions are not confined to verbal explanations, or to mere literal amendments of the former; on the contrary, they directly change the whole tenor, and absolutely subvert the main principle, of the original system, upon which the right honourable gentleman declared it to be his fixed intention to proceed; so that, in truth, they are altogether as unexpected as they obviously are new and contradictory. Surely, therefore, under circumstances so very novel and embarrassing, I may, with less presumption, entreat the committee to forgive that unavoidable intrusion on their time, which must be the consequence of compelling us to come to a vote on so interesting and so complicated a subject, before it is scarcely possible for gentlemen to form even any general ideas on the whole of the subject, as it is now modelled.

"But, first, with respect to this extraordinary system, most undoubtedly, the claim of merit in being the author of it can admit of no question. My noble friend has waived all possible pretensions to it; but not, I am sure, more cheerfully than I concur with him, in declaring it to be the sole and entire possession of the right honourable gentleman who has officially produced it. With him let the whole credit of it reside, undisputed and unenvied. He, indeed, who contends with him for its honours must be instigated by unjustifiable motives; for, surely, never did there appear a work more completely, more indivisibly the sole and genuine composition of its author, than the present system evidently demonstrates itself to be exclusively the work of the right honourable gentleman. No necessity can be alleged to have given rise to it, for it flows from the mere will of the proposer. No urgent, no pressing calamity bore a share in its introduction. It is the offspring of peace and domestic tranquillity. Surely, therefore, it would be false and injurious to allege that the people of Ireland had forced the British Minister into a tame surrender of the manufactures and commerce of our country. The fact is directly the reverse. The British Minister has proffered this surrender from his own mere motion, his own sound will, his own unbiassed judgment. Unquestionably, therefore, he, and he only, is clearly entitled to enjoy all the merits and all the honours of a system so completely and so perfectly his own.

"Perhaps, indeed, from the examples which the right honourable gentleman has so frequently afforded us of a wonderful perseverance in the defence of his own opinions, and at the same time as complete an adoption of the amendments which we suggest, and he himself disapproves, we ought not to be very much astonished at any new and sudden appearance that his present system may have assumed; but I confess, however, it was with considerable astonishment that I heard the right honourable gentleman state his new propositions. For these, Sir, are at once, directly, totally, and vitally in contradiction to the whole of that system on which he set out, and from which, if we had trusted merely to his own solemn declarations, we must have believed it impossible that he could deviate in the minutest degree. In saying this, the committee must be sensible that I speak merely from the impression which the resolutions have made on my mind as they were cursorily read over and explained by the right honourable gentleman. I have not had time, and the committee are not to be permitted to have time, to read and weigh these propositions before they determine upon their merits; but such is the impression which, on the first blush, they have made upon my mind.

"Sir, I have all along understood, that the basis of the right honourable gentleman's original system was reciprocity in correspondent duties, and reciprocity in the prohibition of the export of raw materials. Now, these principles, in my mind, the right honourable gentleman has completely abandoned in his new propositions; for, particularly in the article of beer, an exception is made to the reciprocity in correspondent duties, and, in the seventh resolution, a change is made with respect to prohibitions. The right honourable gentleman has, therefore, retracted and recanted his original principles; he has abandoned the ground on which he set out, and on which he so frequently pledged himself that the whole of his propositions should stand or fall. He has abandoned the reciprocity in correspondent duties; he has abandoned the reciprocal prohibition of raw materials. In these instances, which, if they are said to be trifling in themselves, are not trifles when considered as departures from principle, he has abandoned his ground; and by doing this, he opens a new system, and comes forward with a set of propositions, so far forth diametrically opposite to, and fundamentally different from, that system which he himself has most repeatedly assured us could not possibly admit of the slightest change, and was, indeed, to be wholly inviolable.

"Sir, the right honourable gentleman reprobates the charge which has been imputed to him, of rashness in the original propositions. Was there ever a charge made with more truth, or demonstrated with more clearness? Has not the right honourable gentleman's conduct on this day given the most unequivocal testimony to the original rashness of his system? What can be a more decisive proof of original rashness, than subsequent retraction? The right honourable gentleman brings forward a set of resolutions, as the basis of a system for the intercourse between the two countries: he pledges the Government of this kingdom for the literal establishment of his system: he proudly resists inquiry and scorns deliberation; but, when circumstances arise which he has not ability to overcome, and time, in spite of his opposition, is procured for inquiry and discussion, he is constrained to acknowledge the errors of his first opinions, and he comes forward with a set of propositions directly the reverse of the former. Whether this does not exhibit the rashness of the right honourable gentleman in colours more warm and durable than any with which we on this side the House are able to characterise his conduct, I submit to the committee and the public. The rashness of the right honourable gentleman is proved by the right honourable gentleman himself: and it is singularly striking that, by the whole of his behaviour, the rashness of one day is to be proved by the rashness of another. He now brings forward to the committee a set of propositions directly contradictory to those on which he first proceeded; and having thus himself demonstrated the rashness of his own conduct in the first instance, he becomes enamoured of this boasted weakness, and yet most liberally determines that we also shall be admitted to a full participation of it, by a rash, premature adoption of these his latest notions: which, however, may as suddenly and as consistently be abandoned as the former. So hostile is he to deliberation, such an avowed enemy to everything that looks like inquiry and reflection, that, even on this day, when he is suffering the shame of rashness, he calls upon us to be rash. Although his propositions have been but once cursorily read over, and in that reading embellished and set off with all the lustre of his eloquence, although they are perfectly new, and although he has not submitted them to the committee till after midnight, he demands and compels us to come to a vote on them. The decency of this conduct I will not insist upon; but, thus driven, thus forced to a division, I must, however unwilling to give a hasty negative, vote directly against his propositions, as conceiving them to be, at the best, unnecessary, most probably pernicious, but, undoubtedly, so productive of an entire revolution in our commercial system, as to involve a train of consequences, against which the wisest and best characters of this country might despair of providing any adequate security.

" But, Sir, I must congratulate the committee—I must congratulate the country—on the happy escape which we have had from the system proposed by the right honourable gentleman but two months since. That system, the ruin of which has been this day so ably demonstrated, was then within four-and-twenty hours of being carried through this House: so that, when we look back on all the circumstances of the case, we have, indeed, good reason to rejoice in our fortunate escape. The first propositions, when they were originally opened in this House, were pronounced to be so pure and beneficial —so clearly and demonstrably perfect, that not a moment was to be wasted in a useless discussion of their merits. The right honourable gentleman, therefore, inveighed against the strange, uncandid, opposition which was made to those his first propositions. He attributed the opinions of this side of the House to mere faction and disappointment: he called our solemn appeals to the legislature and to the nation, illiberal artifices to excite unnecessary clamour: he gave a haughty defiance to the manufacturers and merchants, to exhibit any reasonable argument against a system so replete with every beneficial consequence to themselves; and he triumphed in the circumstance, that for some days not a single petition was brought to the

House from any part of the country against those propositions. Afterwards, indeed, he was forced to abate his triumph; he found no want of petitions, nor of argument; but his language was still lofty, and his mind implacable. His system was so superior to the petulance and faction of those who opposed it, that he declared his resolution of carrying it into a law, even to the letter of the specific resolutions. Convinced, however, as we always were, that these resolutions were fraught with injury and ruin to the manufactures and commerce of this country, we warned—we conjured the House to deliberate—to call for information—to examine those who, from their situations, were the most likely to be possessed of intelligence. We called for the commissioners of customs and the commissioners of excise, that the House might learn from them whether from the operation of these resolutions the revenues of the country were not instantly exposed to insurmountable dangers. The right honourable gentleman reprobated the proceeding. He asserted, that we called for these commissioners merely to gain time; that our purpose was insidious delay, in order to inflame the public and stir up factious clamours. But what has been the issue of all this? Will the right honourable gentleman now dare to attribute our conduct to those unworthy motives? The commissioners, whose opinions on the subject he considered of so little avail, have declared by their report that material and alarming injury would unavoidably arise from these resolutions, fraught, as they conceive them to be, with innumerable dangers. But still more strongly has the right honourable gentleman himself, on this day, described, in his own beautiful language, the variety of ruinous consequences that must have attended his original system. He himself has enumerated to the committee the long train of evils we have escaped, by opposing his propositions; he himself has emphatically described the destruction we should have incurred by adopting his own exploded system. Let the committee recollect the detail of fatal consequences thus authoritatively admitted.

" First, it has been now admitted, that, if the original resolutions had passed, we should have lost for ever the monopoly of the East India trade. It has been admitted, that we could no longer have renewed the exclusive charter of the company; but the sister kingdom, having once an equal power with ourselves to trade to Asia, we must wholly have depended on the will of Ireland for a renewal of the charter, by which the monopoly could alone have been maintained.

" If these resolutions had passed into a law, it has equally been admitted, that we must have hazarded all the revenue arising from spirituous liquors; no distinction having been made between our own and foreign liquors, nor any provision thought of to prevent their admission into this country.

"If these resolutions had passed into a law, we should equally have sacrificed the whole of the navigation laws of this country. These laws, the great source of our commercial opulence, the prime origin of our maritime strength, would at once have been delivered up in trust to Ireland, leaving us for ever after totally dependent on her policy, and on her bounty, for the future guardianship of our dearest interests.

"If these resolutions had passed into a law, we should have opened the door to a more extensive contraband trade than ever yet was known to exist in this country, for not a shadow of protection was provided against every species of smuggling, not even the means which we think it necessary to use in our own traffic from port to port—that of requiring bonds, cockets, and other instruments, on goods sent coastwise.

"If these resolutions had been carried into a law, we should have endangered the loss of the colonial market to the manufactures of Great Britain; for no care was taken to prevent Ireland from giving bounties, or allowing drawbacks, on goods exported to the colonies; so that it was left in their power to give so decisive an advantage to their own manufactures as must have ascertained to them the market, or, which would have been equally ruinous, have forced us to enter into a warfare of bounties to the extinction of our revenues.

"If these resolutions had been carried into a law, dangers as extensive must have equally been incurred by our colonies; for not a single provision was stipulated for laying permanent high duties on the produce of foreign colonies imported into Ireland; so that, at any future time, Ireland might have taken off the annual high duties, and given admission to the produce of foreign colonies, on terms which must completely have ruined our West India Islands. I need not state to the committee a fact so universally known as that the produce of our colonies is dearer than that of the foreign islands. But we have, nevertheless, preferred the home market, on account of the natural interest which we have in them: and, undoubtedly, we must continue to do so. Ireland has no such obligation: on the contrary, her interest would as forcibly lead her to the foreign colonies.

"If these resolutions, therefore, had passed into a law, we should have been irretrievably bound to our part of the bargain, whereas Ireland would by no means have been confined to hers.

"If these resolutions had passed into a law, by the monstrous incongruity of the fifth, it would have been in the power of Ireland to draw a revenue from our consumption. They had only to lay an internal duty in Ireland on the articles of our consumption, equal to the internal duty that might exist on such articles in this country, and it must have followed that they of course would have drawn the revenue from the country that was to consume the goods. This astonishing absurdity is done away by the removal of the latter part of the fifth resolution. Thus, also, if these resolutions had passed into a law, the leather trade must as certainly have been ruined; for though we were bound in all future time to send our oak bark to Ireland duty free, Ireland was not bound to prohibit the exportation of raw hides to Great Britain, without which the trade could not subsist.

"These, Sir, are some few of the evils which, confessedly, would have taken place, if the original resolutions which the right honourable gentleman proposed but two months ago had unfortunately passed into a law. All these menaces, these fatal consequences of his own rash system, the right honourable gentleman has on this day himself acknowledged, at the same moment that he introduces, for the first time, a new set of complicated propositions, in remedy of the detected mischiefs of the former. In doing this, he has at once completely changed the ground on which he first set out; for, having originally declared that the very spirit and soul of his system was to square and finally determine the relative situation of the two countries, he then maintained that this salutary, this grand, this primary object, could only be accomplished by a complete and perfect reciprocity; yet that essential, that vital principle, he has now totally and directly abandoned, as well in the remarkable change which he has introduced in the seventh resolution, as in the article of beer, the export of which is of infinite consequence. Reciprocity, therefore, which was the vital principle, the spirit, the quintessence of his system, is now completely abandoned.

"Sir, that these alterations are for the better, I most cheerfully admit. Undoubtedly, they tend to make the present system far more palatable to Englishmen. Why, then, it may be asked, do I now state them? Clearly for this reason: to manifest to the House the important benefits of deliberation. I mention them to show that the alarm given by gentlemen of this side of the House was a most fortunate alarm for this country. By that fortunate alarm, the manufacturing communities in every corner of the kingdom have been apprised of their danger; they have had time to come forward; they have had time to give those lights to the committee which have been the happy means of producing the alterations of this day. I mention them to show what must have been the consequences to the empire if the committee had implicitly fallen into the system which the rashness of the right honourable gentleman, I will not say his ignorance, but which, to give it an easier term, his extraordinary confidence in his own abilities, induced him so peremptorily and so authoritatively to propose.

"There is also another and even more powerful reason for my enlarging on these important alterations. It is, Sir, to convince the committee that there is still a powerful appeal to our equity, our benevolence, and even our common sense, for affording the merchants and manufacturers of this country a much longer period of deliberation, and surely as strong a claim on the justice of the Minister, to suspend the vote of the committee on a question of such infinite magnitude to all our just and dearest interests. The committee will be taught, by a due estimation of the benefits already acquired from salutary delays, that most important advantages are to be derived from fair inquiry and impartial discussion. If in two months such serious and consequential errors have been discovered, what may we not expect from longer time and more careful investigation? If in two months the right honourable gentleman has gleaned so much from this side of the House, and from gentlemen whose ideas he certainly is not much disposed avowedly and ingenuously to adopt, however willing he may be to benefit in secret by them, what may we not expect when his bright talents have had more time to work on the suggestions with which we may have furnished him? That he has largely profited from this side of the House, the committee will readily perceive;

neither will they, I believe, consider it extremely presumptuous, if I arrogate some degree of honour to myself, in having contributed a little to the amendments of this day. From my right honourable friend (Mr. Eden) the Minister has certainly collected many more of his new opinions. Surely, therefore, from the excellent use which the right honourable gentleman has already made of our discoveries and suggestions, it will more and more be the wish of all impartial men, that he should have time to mature the many other matters which he has not yet so far honoured us as entirely to adopt. For what must be the fruits of those ideas, how ample, how rich must be the harvest they produce when his protecting hand shall raise them from obscurity to a richer soil: when he himself shall 'transplant them to his own fair garden where the sun always shines!' Nothing, surely, can be more beneficial than to wait for their mature production: I speak for myself, and I am sure I may speak also for my right honourable friend and the other gentlemen round me, that we shall be happy to trust our progeny to his care. If he is a plagiary, he is a plagiary uncommonly endowed; for he decorates that which he steals in apparel so gay and luxuriant, he enriches whatever he takes with such additions of flowers and embroidery, that, though, as their legitimate parents, we recognise our own offspring, we view them with no small degree of wonder in their strange and sumptuous attire. On this day, indeed, we may be proud to contemplate the predominating efficacy of our own suggestions; and on this day alone has the right honourable gentleman, for the very first time, condescended to depart from his usual stateliness and overbearing sense of his own superiority. Upon this day, with new and unaccustomed affability, he neither reprobates nor reviles the opinions to which he has deigned to accede. It is to us a strange and unexpected triumph, not, indeed, to have our ideas received by the right honourable gentleman, (in that acceptance he is courtesy itself.) but to hear them, even in the moment they are admitted, unstigmatised by the receiver, nor, as usual, traduced in words while they are approved in fact, and vilified at the very moment of their adoption.

"The right honourable gentleman, whom my noble friend (Lord North) most truly painted, when he asserted, that 'he had a mind which found gratification in invective,'* has this day alluded to a letter written by a noble lord† as a dispatch from Ireland, during the administration of which I had the honour to make a part, and he has insinuated that the letter manifested an intention in that administration to have gone the lengths of the present system, 'if they had had energy sufficient for so great an adventure.' I did not expect that, even from him, such a construction would have been put upon that dispatch. From his colleagues in office, I am confident of meeting with more candour. But the letter has been read: I submit to the committee the terms of that letter, and call upon them to say, if the English language could furnish expressions more decisive of the contrary opinion, than those in which we declared to the Lord Lieutenant, that we could not encourage him to make a promise to Ireland which, if fulfilled, would be destructive to Britain. In that opinion we were then unanimous, and to that opinion we firmly adhere. But, are these the arts by which the noble lord and I are to be degraded in the eyes of Britain? Let the minister persist in these unworthy insinuations: he shall not deter us from what we know to be our duty—he shall not overcome that deliberate firmness which, after healing the calamities of Ireland, and happily establishing both her commercial and constitutional liberty, had sufficient spirit, sufficient justice, to withhold what it were ruin to relinquish, and what, indeed, was as little expected or sought by Ireland, as it was safe or just for an administration here to bestow. That letter, which was written by the noble lord in his official capacity, was of too much consequence to be written under the sanction of any individual department. Every one of his Majesty's confidential servants was privy to the measure; nor was any dispatch ever made up on a more decided and unanimous opinion. Let the right honourable gentleman refer to some of his present colleagues for information on the point. As to the 'want of energy—the temporizing spirit—the half measures—and the expedients of getting over a session by a Post Office or an Admiralty Court':—all these are insinuations which my noble friend has completely refuted. Neither the Post Office nor the Admiralty Court were conceded as expedients to get over a session; they were neither given nor accepted as boons; they were the natural consequences of the previous change of system; they flowed naturally from the new situation in which Ireland stood by the independence of her legislature. What occasion had we for expedients to get over a session? The Lord Lieutenant of that day enjoyed as high a degree of confidence, and deserved it as well, as any nobleman that ever filled the station. We were guilty of no violences, and there existed no clamour.

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* Lord North said, in the course of his speech, "There are some men, Mr. Gilbert, who seem to be organized for slander; there are some men who, by the peculiar temperament of their nature, find gratification in invective, and, so eager are they for the enjoyment of their lust, that they go about to seek for blemishes, in order to expose them; and, in pursuit of their game, they will sometimes pretend to find them where they are not. Such men, if they propose any measure, are infinitely more desirous to make it stand upon the faults of others, than on its own merits; and such a man I take the right honourable gentleman to be." Parl. Hist., vol. xxv., p. 590.

† The Earl of Northington, who held the office of Lord Lieutenant of Ireland in the coalition administration.

"I cannot help stopping here for a moment, to make a remark on a curious distinction to which the right honourable gentleman appears most remarkably attached: a distinction which betrays a feeling that I cannot well describe—a sort of self-complacency—a kind of over-pleasure with his own situation. In speaking of the noble lord in the blue ribbon, at different periods, he is ever solicitous of distinguishing between the First Lord of the Treasury and the mere Secretary of State. In the one character he ascribes to him all the dignity of sovereign rank, of superintendence, and of sole authority—in the other, he considers him as rather acting under or with a ministry, than as a minister possessed of either power or responsibility. He says of him, at one time, 'When the noble lord was the minister of the country'; at another, 'When the noble lord held a subordinate situation in the cabinet.' By these distinctions, the right honourable gentleman takes a juvenile pleasure in glancing at his own elevation. He considers the personage who fills the united offices of Chancellor of the Exchequer and First Lord of the Treasury, as a character so lofty and exalted, so supereminent in his station, that he must on no account be confounded with inferior persons. In like manner, when he talks of coalitions, and reprobates them, he is moved by the same feeling. His charge against me and others is for coalescing with the minister, the great superintending minister of the American war! His own coalitions he can readily defend by the very same distinction. 'I own,' he says, 'I have certainly coalesced with some of the ministers who were concerned in the patronage and conduct of the American war: they, however, were inferior characters: Lords Chancellors of England and such like persons of no account; but never have I been so infamous and abandoned as to form a coalition with the Chancellor of the Exchequer and the First Lord of the Treasury, the great superintending minister of the Crown, who was the soul of the system.'* I do not, Sir, enlarge upon this feeling of the right honourable gentleman, as a charge against him: it is a feeling, in the enjoyment of which I am by no means inclined to disturb him: a feeling, in the enjoyment of which I know of no person that has any interest to disturb him; unless, indeed, there may be some of his immediate colleagues, who may think it would be somewhat more decent in him to gratify his passion or his pride in a mode less publicly offensive both to their spirit and their dignity.

"But, to return, Sir, to the propositions on the table. I must now renew the observation that I made in the outset of this business; namely, that there was a gross and fundamental error in originating these propositions in the Irish Parliament. Independent of the insult to the Parliament of this country, in not submitting, for their consideration, a great and extensive innovation in the whole system of our commerce, till after it had been determined upon in Ireland—surely the experience of this day sufficiently demonstrates the impolicy of so strange a measure. For is it not evident that after the Parliament and people of Ireland have been suffered to cherish the belief that the resolutions which the ministers of that kingdom assured them would be religiously adhered to as the basis of the new system, the ministers of England come forward, and change the spirit, principle, and tendency of these resolutions? Is it to be imagined, that, after the solemn pledge which the people of Ireland have received from their ministers, and which, undoubtedly, was held out to their Parliament as a sufficient ground for an immediate extension of their revenue—is it to be imagined, I say, that, by any private tampering with the individual leaders of a party, the whole body of that nation will as rapidly acquiesce in the supplemental resolutions now brought forward as they at first did in the original propositions; and when, too, the latter are directly framed to weaken and diminish the effect of the former, which those who proposed them in Ireland had peremptorily insisted should never undergo the slightest or most minute infringement? Nothing can be more absurd than the state of this proceeding. First, the original propositions were made in Ireland—now, the amendments are made in England. The Irish thus exposed what alone would content them, and they were offered it without knowing whether it was what England would grant. Now, England is called upon to say what she will give, without knowing whether it is what Ireland would take. Thus, a double inconveniency and dilemma arises from the strange and incoherent proceeding. Nor is this the only impolicy in the mode of conducting this extraordinary measure.

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* Lord Thurlow and Earl Gower, who held office in Mr. Pitt's administration, the former as Lord Chancellor, and the latter as Lord President of the Council, held the same offices in the administration of Lord North.

"His Majesty's ministers have erected a Board of Trade, under the name of a Committee of the Privy Council, which, certainly, with proper regulations, I should consider as a wise and wholesome institution; but this board was appointed—not to prepare materials for the system with Ireland; not to supply Government with information upon which they might deliberately proceed to the adjustment of the intercourse between the two kingdoms. On the contrary, this board was appointed to inquire rather into the propriety of what ministers were actually doing, than what they ought to do. For, at the precise time when Mr. Secretary Orde first agitated the business in the Irish House of Commons, this Committee of the Privy Council was employed in the examination of evidence and the discussion of points on which the merits of the proposed arrangement were ultimately to be estimated. Never, surely, was a Board of Privy Council so perverted, so degraded as this! Not appointed to investigate and examine all the necessary evidence as a preliminary to an important measure—not constituted to deliberate on the various effects of a great national change, the outline of which was merely in idea, unsettled, and unadopted by the minister; but, in truth, to provide a posthumous defence for a plan already fixed, and to fabricate a vindication for mischiefs too far advanced to admit of qualification or amendment. With such views, and for such purposes, was this Board of Privy Council at first convened. A right honourable gentleman (Mr. Jenkinson), whose feelings, on being studiously excluded from all the ministerial departments of state, it was found not wholly inexpedient to console and soothe, by some temporary delegation of insignificant eminence, was prudently appointed to the presidency of this mock committee. No higher mark of confidence was then bestowed on the now avowed associate of the great superintendant minister. On the report, however, of such a board thus constituted and thus directed, did the Chancellor of the Exchequer call upon this House to depend with unreserved confidence for the complete justification of his plan. In other words, we were to trust the most important rights of British commerce to the opinion of a Board of the King's Privy

Counsellors, appointed by the King's ministers themselves, to inquire whether the measure that they had adopted was wise or the contrary. Can the committee imagine anything more frivolous, more absurd, than so partial an appeal? Do we not all know, that when his Majesty's ministers are committed on any one point, the servants whom they employ must be careful not to deliver an opinion hostile to that measure? The Board of Council are selected by the minister, not as deliberate judges of his conduct: it were the extreme of folly to consider them in such a light; on the contrary, it was their object to afford every possible support to measures which they were called upon directly to countenance. This always was, and ever must be, the case; and so the Committee of Privy Council in the present instance seem entirely to have considered it. At first, indeed, before the minister had thought it safe to communicate his plan to the right honourable president of this Board, some opinions far from favourable to the plan did appear upon their Minutes, and of course are still to be discovered in their report; but this was a transient gloom: from the moment that the present complete intelligence and intimacy was established between the right honourable president and the ministers, a new light seemed to flash at once on the whole Board of Council; the happiest means were instantly pursued to effect the concealment of ministerial error; the most decisive mode of examining witnesses was systematically observed: not only the most apt and artful questions were propounded, but, with equal skill, the most fortunate answers were generally provided; all, however, was carried on with much plausibility and stateliness of deportment. 'It was an open court: it was accessible to witnesses of all descriptions, and, accordingly' (as was repeatedly asserted), 'gentlemen attended them of their own accord, and voluntarily offered their impartial testimony on the various articles of their respective manufactures.' But how has this description been verified? We have it in proof, that every individual witness who attended that Board was expressly sent for—and that questions were put of an abstract nature, and on premises unexplained. We have found, too, that the answers so obtained were reserved, to be brought in contradiction to opinions which, when the premises were fully examined, and the consequences weighed, it was obvious could not fail to be stated in testimony at the bar of the House of Commons. The right honourable gentleman, who is at the head of this Board (Mr. Jenkinson), has thought proper, however, to inform us, that the manufacturers were voluntary attendants on the committee. But to this more than one gentleman of eminence and respect has directly answered, that, in truth, the witnesses were expressly sent for; Mr. Rose, of the Treasury, having repeatedly entreated them to attend the committee. 'Ay,' says the right honourable gentleman, 'but we have nothing to do with Mr. Rose, nor with the Treasury: we did not send for you.'

"It is said in praise of simplicity of action, that 'the right hand knoweth not what the left hand doeth.' Perhaps this may be the case here? but which, Sir, is the right hand, and which the left, of the present Administration, it is not so easy to ascertain. Certainly, the Chancellor of the Exchequer has, till of late, been fond of disclaiming all connexion with certain obnoxious characters. He has, generally, in high tone and pompous parade, disavowed and reprobated all intimacy, all friendship, all connexion, with the right honourable gentleman* who has long been suspected of promoting an undue influence in the government of this country. But all this was the language of a period when the momentary popularity which the minister had obtained had placed him above the degradation of so obnoxious a connexion. When the conduct of the popular branch of the constitution was bestowed upon the present minister, under the description and character of a popular statesman, it would, indeed, have been madness in the extreme to have held any other language of one, whose habits, whose principles, whose avowed prejudices, marked him out as utterly disqualified for a situation which, even in common prudence, ought never to be subject to the direct control, or to the disguised influence, of prerogative. When the scene, however, began to change, when the Irish resolutions excited alarm, and the minds of men were irritated at so lavish a surrender of everything that was dear; when the right honourable gentleman began to feel himself weak and insecure, his language was less inflated, his proud rejection of obnoxious characters was heard no more:

> 'Telephus et Peleus, cum pauper et exul uterque,
> Projicit ampullas et sesquipedalia verba.'

'Misery makes us acquainted with strange companions.' For my own part, Sir, though I have always considered the right honourable gentleman alluded to, as an objectionable character, for mixing in the conduct of the British Government, yet I must do him the justice to say, that, in this singular instance, his cautious temper, his patient laborious habits, have undoubtedly been well employed in correcting the strange incoherent levities of the original propositions. And, therefore, it would be wholly unfair to withhold the merit of some of the alterations of this day from the instruction and advice so generously administered by the right honourable gentleman in the hour of danger and necessity.

"But, to return, Sir, to the Committee of Privy Council. I cannot suppress my indignation at the petty, miserable plan, which I am sorry to find they have pursued, of first entrapping witnesses, by inducing them to give hasty answers to questions unexplained, and afterwards endeavouring to detect contradictions in their evidence, when they came, at the distance of six weeks, to speak at the bar of this Committee. Upon such conduct, very ill-becoming a Board of Privy Council, I cannot but observe, that, undoubtedly, it would have been far more graceful for the right honourable gentleman to have lent his utmost aid to the manufacturers of this country, when they were forced to the bar of this Committee in support of their dearest privileges: surely, upon such an occasion, he ought himself to have manfully declared, 'I rejoice to see you here: eager as I am for the discovery of truth, I am happy that you are come to explain all those points in which you have been either misquoted or misrepresented by the Committee of Council. You have now an opportunity to correct those errors; improve it with all the sincerity and zeal that are the best characteristics of Englishmen.' Such, Sir, ought to have been his language; for, surely, it is by no means discreditable for a man of the strictest honour to explain his opinions, when more mature reflection and greater light on the subject have convinced him that he was wrong. And yet, in pursuing a line of conduct diametrically opposite to that which I have described; in adopting the poor and miserable expedient which the minister preferred to the plain feeling of justice and honour, I pledge myself to prove, that, with all their sinister industry to confuse and to prevent, they have completely and utterly failed; for not a single instance have they been able to offer, of glaring and material contradiction in any one of the numerous witnesses who have been the constant objects of their illiberal attacks.

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* Mr. Jenkinson.

"I have said, Sir, that, so far as I have been able to comprehend the alterations, by hearing them once read over, I am ready to acknowledge, they are infinitely more palatable than at first; but I desire to be understood, that I still insist, they are by no means what they ought to be. Much of my objection remains; and, I have no doubt, but, when gentlemen come to discuss the amended resolutions, they will yet exhibit weighty arguments against their acceptance, as the basis of the future intercourse between the two countries.

"The right honourable gentleman has now removed the objection which originally existed against the first resolutions: namely, that we thereby sacrificed the monopoly of the Asiatic trade. How the right honourable gentleman could originally overlook that most important concern, unless he meant to abolish the monopoly, is a point for which I am utterly at a loss how to account. Surely the peculiar services which the company have rendered to his administration, might well have claimed a more serious attention to their particular interests than the right honourable gentleman seems to have paid them at the present important crisis; but, roused to the performance of his duty, by the zeal of gentlemen on this side of the House, he has, at length, indeed, made some provision for the security of the East India trade. Certainly, I do not grudge to the people of Ireland the benefits which he has allotted to them in this branch of commerce: it is by no means improper that they should have a share of the outfit of the East India ships, as they consent to a part of the return. Excluded from the commerce of Asia, it seems but barely equitable to permit them to supply some proportion of the export trade. On the contrary, if, at any time, either the necessities or the mere will of the East India Company, should resort to Ireland for such supplies, in preference to the established trade with their own native dealers, I am sure there is no Englishman of sense or spirit who would debar Ireland from every fair participation of those benefits which may be safely and justly divided.

"The right honourable gentleman has made use of the most unfortunate argument that I ever heard delivered by the most unfortunate speaker in this or in any assembly. He says, that, giving to Ireland the

English market for the issue of colonial produce, though it will not enable the Irish to enter into any dangerous competition with us at home, will yet be of great avail to them, for they will thereby be more capable of taking advantage of the foreign market. This he explains by saying, that, having the issue of the English market to depend upon in the last resort, they will have a greater spur to adventure; they will import more of the produce of the colonies; and, trusting to the power which they will now have of coming, in the end, to England with their commodities, they will strive to increase their foreign trade, and necessarily make their country a sort of commercial depôt. If this argument is true of the colonial produce, it is equally true of their own manufactures. If they have the advantage of having the English market as an issue to enable them to push their foreign trade to a considerable increase in the colonial produce, then, with precisely the same ground, may we contend that, having the issue of the English market, they will be able to advance their foreign trade for their manufactures.

"Here, then, is an end to all the invective which was thrown on the manufacturers for having asserted that those resolutions would affect the manufactures of Great Britain in the foreign market: they were told, with petulance, that they did not understand the matter; and that if there was any danger of meeting a powerful competitor in the Irish manufactures at the foreign market, that danger existed before; that the foreign market had always been open to the Irish manufacturer: true, and of this they were not ignorant; but Ireland had not till now the sure issue of the English market as a collateral security for enterprise, and as a spur to speculation. I thank the right honourable gentleman for this argument; but I must apprise him, that it refers more to manufactures than to colonial produce. Does he not know that, in colonial produce, the home market is everything, and the foreign market nothing? In manufactures, it is the reverse, or nearly so. There was good ground, therefore, for the manufacturers to state that they should now find a dangerous competitor in Ireland at the foreign market.

"With respect, Sir, to the Navigation Act, upon which I have said so much in the course of this discussion, do we not now find that all my apprehensions were well founded? The right honourable gentleman has, at length, acknowledged that the Navigation Act was in danger, notwithstanding his repeated declarations to the contrary. This conviction may be collected from the nature of the remedy he has thought it expedient to adopt. Strong must have been the apprehensions which suggested such a relief: it is a relief which, in the peculiar circumstances of the two kingdoms, will require very particular consideration indeed, as its tendency is no less than this: that, notwithstanding the independence of Ireland, she must still, in commercial laws and external legislation, be governed by Britain. That she shall agree to follow whatever regulations we may think it right to pursue, from time to time, for securing privileges to our shipping, or for restraining the trade with our colonies, and that such laws shall be in full force in Ireland, is a remedy certainly of a very hazardous kind; but, Sir, though it goes so far, it does not satisfy me; it is dangerous, indeed, but not efficacious; nor do I think that, strong and bitter as it is, it will be attended with the effects of preventing the various and radical evils which are attached to this pernicious system. I am of opinion, that, even if Ireland should agree to this provision, we shall deliver up into the custody of another, and that an independent, nation, all our fundamental laws for the regulation of our trade, and we must depend totally on her bounty and illiberal spirit for the guardianship and protection of our dearest interests.

" Now, Sir, although I feel as strong a disposition of partiality and favour towards the Irish nation as any man in this House; although I believe them to be a people as distinguished for liberality as any people upon earth, yet this is not of all others the particular point in which I would choose to trust to their liberality. I think the guardianship of the laws which I have mentioned can be deposited in no hands so properly as in our own. It would be the interest of Ireland to evade those laws, and I ask you what security there is for the due performance of a commercial contract when it is the interest of a nation to evade it? He who trusts to the vague and rash notions of abstract right in preference to the constant and uniform testimony of experience, will find himself miserably deceived in his calculations on all subjects of commercial or political discussion. When it is the interest of a nation to evade a law, that law will be evaded: it always was so, and it always will be so. Perhaps there is no instance of a country more tenacious of engagements than our own; but, do we not all know, that, finding the illicit trade which was some time ago carried on to the Spanish main, highly beneficial to the country, that trade was connived at, though in the very teeth of our national engagements? Now, Sir, when it shall be felt that Ireland will be materially benefited by evading our laws, and that the introduction of foreign sugars will be so much more valuable to them than the legal importation of our colonial produce, is it to be imagined that the people of Ireland will, out of mere love and liberality, shut their eyes against their own immediate interest, or that the laws which may be made in conformity with this new system will be enforced with vigour and with efficacy? Interest is the leading impulse with nations, and it supposes nothing unfavourable to the Irish, to suppose that the common feelings which actuate all mankind in their public character as states, may prevail also with them. When it shall be found that foreign sugar may be introduced fifteen or twenty per cent. cheaper than our own; and when it shall be found that they can be introduced in American bottoms cheaper than in shipping navigated according to the law of Great Britain, it is idle to suppose that they will not be so introduced, that this sinister advantage will not be so obtained: that is, in other words, that the commerce of England will not be so affected and diminished.

" Mr. Orde, on opening his system to the Irish Parliament, if we may trust to the reports of the newspapers—and that we may do so, is evident from this circumstance, that, though Mr. Orde was in London several days, he never came down to the House to contradict the reports, though argument was daily founded upon them—stated that Cork would become the emporium of the empire. This expression, to be sure, he afterwards changed to a term more prosaic and modest, affirming that his original phrase had been that Cork would become the medium of trade to the empire. The difference is immaterial, except in the sound of the word; for by medium I can understand nothing else, than that the produce of the western world will, in the first instance, be imported into Ireland, be deposited there as the magazine of the empire, and be subsequently dealt out to Britain as her wants may make such application necessary. We have a less sounding and less intelligible phrase, but the real meaning remains still the same, and the measure of oppression and injury unchanged or unabated. That Ireland will be this medium, I have no doubt; and its being so will produce an evil beyond the mere loss of the direct trade to our colonies; for there is every reason to believe, that by this means the produce of the French and other foreign colonies will find their way into the country, to the ruin of our West India planters and merchants. 'But,' says the right honourable gentleman, 'it is not to be believed, that a circuitous voyage, as this will be, can be preferred to a communication with our colonies;' and, in a whisper across the House, he says, 'that Britain even now supplies the Irish market with colonial produce.' This, Sir, in my opinion, strengthens my argument; such is the decided benefit resulting from having two markets instead of one, that now we are able, with all the disadvantage of the circuitous voyage, to supply Ireland. What, then, must be the consequence to Ireland when she shall enjoy the double market, added to all the advantages arising from harbours so admirably accommodated by the hand of Nature for the intercourse in question; from cheap labour, and from an almost total exemption from national burdens? She will, indeed, become the emporium, or, if the right honourable gentleman, out of compliment to his friends in England, likes it better, the medium of trade to the general empire, and, indeed, almost exclusively so with respect to the produce of our colonies.

"The right honourable gentleman has been anxious to set up an argument in favour of this country, that great capital would, in all cases, overbalance cheapness of labour. I know this to be the fashionable position of the present times, and of the present government; but general positions of all kinds ought to be very cautiously admitted; indeed, on subjects so infinitely complex and mutable as politics and commerce, a wise man hesitates at giving too implicit a credit to any general maxim of any denomination; and, with this conviction in my mind, I am prepared to controvert the position of the right honourable gentleman, at the same time that I do not desire to be understood as wishing to establish the contrary. I do not think that great capital will always overbalance cheapness of labour, nor that cheap labour will always overbalance great capital; as general theorems I dispute both, at the same time that I am clearly of opinion, that under certain circumstances both may be true; we have known several instances in which the cheapness of labour has triumphed over greatness of capital. In the rapid transitions of fortune in this country, do we not daily perceive the triumphs of industry over wealth? Have we not abundant precedents to show that our manufactures have changed their positions in this country merely on account of the cheapness of labour and provision? Have they not, within these thirty years, travelled into Scotland, and is it not likely that, precisely for the same reason, together with other incitements, they will migrate to Ireland? 'But,' says the right honourable gentleman, 'the difference is not so great as is imagined in the price of labour: it is only rude labour which is cheap in Ireland, and the finer parts of work are much dearer there than in England.' In proof of this assertion he brings Captain Brook to the bar of the House of Commons: a gentleman who has established a very considerable manufactory of cottons in Ireland. Whether it is perfectly proper to bring gentlemen from Ireland, to give evidence before the House of Commons, on a subject that is to benefit Ireland and not England, I will not take up much time to inquire.

"The Irish are beyond all question greatly interested in the conclusion of this bargain, and exclusively so as to hopes of benefit; their evidence, therefore, as parties influenced and prejudiced, may, perhaps, be deemed improper when brought forward to support the system, and to persuade this House. I know it may be said, that Messrs. Richardson, Walker, Peel, and others, who have given evidence on the other side, are also interested in the termination of this compact. I admit the fact; but on which side does their interest lie? and to which ought we in this House to incline? They are interested for England, of which we are the delegated guardians; Mr. Brook is interested for Ireland, who is on the other side negociating for himself. Taking it, therefore, in that point of view, I cannot hesitate a moment as to the path which it becomes me, as a British member of Parliament, to pursue, in the credit which I am to bestow on the evidence adduced. But, in this point of the cheapness of rude labour, hear what the intelligent Mr. Peel says:— The finer parts of work cannot be carried on without the ruder. It is on the rude work that the hand is qualified in its art, and every man who is employed in the finer branch was first employed in the coarser.' The cheapness of rude labour is, therefore, an advantage which in manufactures of the finer kind must be highly favourable; but in those which are in their quality coarse, must give to the country a decisive superiority. In one instance this has been proved. A manufacturer of Norwich gives it in evidence, that he can buy in Norwich Irish worsted yarn cheaper than he can buy English, although it is subject to five or six duties before it reaches him, and subject also to the expense of the voyage and of the carriage, as well as of the internal duties in Ireland; so that, upon a fair and just calculation, it is demonstrable that they can manufacture worsted yarn in Ireland forty-five or fifty per cent. cheaper than in England. 'But,' say the witnesses from Ireland, 'it is by no means likely that Ireland will ever establish a cotton manufactory to rival that of Manchester: it would not be her interest to do so, and there are many stubborn inconveniencies which she has to surmount.' I will admit the supposition for the sake of argument, though I by no means think it founded in probability. But, admitting even that she shall not think of establishing a cotton manufactory, she may still by these new resolutions effectually cut off the Irish market from ours; for, having a manufacture of her own to substitute in the room of this, she may lay a duty on cottons, which by the principle of countervailing duties might amount to a prohibition of ours, and, by a side blow, annihilate the Manchester manufacture in the Irish market at once.

"And this leads me to an argument which has been much insisted on in favour of these resolutions—that, by means of the new system, the right honourable gentleman would have the merit of putting an end to all idea of protecting duties. On what rational ground does he claim to himself this merit? By the power which is thus left to each country to lay internal duties on such manufactures as they may covet to crush for the sake of advancing a substitute, he gives rise to a countervailing duty that will act as a complete, though indirect, prohibition; and that this is in favour of Ireland and inimical to England is evident from this circumstance, that by the fatal ninth resolution we have for ever given up the only remaining hold which could have operated as a protection against so obvious and alarming an inconvenience. Protecting duties, however threatened, would never have been imposed under the old intercourse; for the good sense of Ireland would not have suffered the danger of retaliation on their staple commodity: that danger they will now no longer be exposed to. But, the right honourable gentleman says that we shall by this means bind the two nations together in indissoluble bands; that between nation and nation the intercourse should be regulated by principles of equality and justice; and that this ought to be more particularly studied between nations that are sisters, as it were, and are so connected in interest and in blood as Great Britain and Ireland. To such principles as these, if acted upon with wisdom or the chance of mutual harmony, far be it from me to object! My objection is, that the intercourse is not to be regulated by principles of equality and justice. Let us suppose a fair and equal admission of manufactures into each country free of all duties—which of the kingdoms would shudder most at such a freedom? The Irish, undoubtedly. We are to give them an intercourse infinitely more beneficial than throwing open our ports entirely; and in doing this, we have given to Ireland the power of offending us without reserving the means even of retaliation, much less of prevention.

"By the seventh resolution we bind ourselves in no future time to prohibit the export of raw materials to Ireland. This is a measure which may be found highly prejudicial to our manufactures. In the course of this session we have passed an Act to prevent the export of rabbit skins, for the benefit of our hat manufactory. May not other occasions arise in which it would highly affect us to suffer raw materials to go out of our hands into those of foreign states, under the name of Ireland; for such is the danger that I apprehend. A cargo of raw materials may be entered at our custom-house for Ireland; but what security shall we have, either for their being carried thither, or for their stay in the country if they reach it? Never let us be so weak as to trust to generosity when interest is at stake.

"The ninth resolution, Sir, is that which I reprobate the most, and in that no alteration has been made. By that resolution we for ever surrender the only power which we had of enforcing the due performance of all the parts of the bargain obligatory on Ireland. By giving up all legislative control over the admission of her staple into Britain, we for ever throw ourselves on the mercy of Ireland, and have no means of protecting ourselves against her future caprices. It is by such means that the right honourable gentleman hopes to produce a lasting amity between the two kingdoms. He provides ill for peace who deprives himself of the weapons of war. True policy suggests, that, with a disposition to be amicable ourselves, we should be prepared against the effects of a contrary disposition in others.

"In regard to the compensation, I hardly know in what view of it to express my particular reprobation. The exaction of a permanent provision from Ireland is what I consider as a measure pregnant with the most alarming consequence to the liberties and to the constitution of both countries. As an Irishman, I would never consent to grant it; and as an Englishman, I cannot accept it. What Ireland cannot concede with safety, England cannot receive with grace. It has always been the leading and characteristic privilege of our legislature—and when I speak of ours in this instance, I may include the legislature of Ireland also—to limit all grants of supplies to the period of one year. Thus, the supplies for the army are voted annually, for the navy annually, for the ordnance annually; and so also in every description of public expenditure that may any way tend to produce an undue control over the subject: to make them perpetual, even though the application of them is to be left to the disposal of Parliament, is a measure to which I cannot give my consent: it establishes a precedent for diminishing the sole security which the domestic branch of the constitution possesses against the encroachments of the Executive. Annual supplies are the vital source of the influence and authority which the representative body have, and ought to have, in the respective legislatures of the two countries, and I can accede to no regulation that has the operation of impairing so invaluable a privilege in the smallest degree. I object to this compensation on another account; and that is, that I do not think it worth our acceptance; for, even if the surplus of the hereditary revenue should amount to a sum which might be valuable when applied to the maintenance of our navy, what security have we that the Irish nation may not withdraw the sum which they now appropriate to the army? They now maintain a very considerable part of our army. I wish to know if it will not be in their power to withhold that sum whenever they shall deem it expedient, after the establishment of this new system: therefore what we gain in the one way we may lose in the other. We may lose from our army what we are to gain in our navy, with this material difference still existing between the two cases, that the supply which is now granted on the part of Ireland for the support of our army, is granted in a manner truly and perfectly congenial with the practice and spirit of our own constitution ; whereas the proposed expedient for the service of our navy originates in a violation of both, and cannot operate but to the obvious disadvantage of the popular department of the Irish government. The right honourable gentleman says, the surplus of the hereditary revenue would be appropriated to the purchase of provisions for the navy, and that thus it would be beneficial to Ireland. To this I have no objection ; I think it would be reasonable and advantageous. But to the permanency of the grant I must enter my most cordial and determined protest. The right honourable gentleman says, that he would not trust to the generosity of Ireland for a compensation, which he considers as founded in justice. He will implicitly trust to her generosity and kindness for the due and vigorous execution of the trade laws, but he will not trust to her generosity for the return which she shall make for his present benevolence towards her. In this I completely differ with the right honourable gentleman. I would trust to Ireland in the case where he would not, and I would not trust where he is inclined to do so. If there be any nation upon earth in whom, on a point of honourable compensation, I would have implicit confidence, it is Ireland ; but in the due performance of commercial regulations, where the laws stand for ever in the way of interest and adventure, I would not trust to any people existing. In the case of the compensation, the voice of all Ireland would be heard in her Parliament. In the instance of sinister trade, it would be confined to the intrigues between smugglers and custom-house officers ; and neither the generosity nor the manliness of the more enlightened and polished part of the nation would be at all concerned in the discussion.

"The right honourable gentleman has insinuated that there is an immediate necessity for adopting the system which he has proposed ; that is as much as to say, in plain English, he has held out the resolutions to Ireland, and the necessity for adopting them has arisen from his having done so. This is a mode of argument which merits a great share of countenance, whatever truth there may be in the fact. Ireland is not, however, I trust, so unreasonable as to insist upon the rash and intemperate transfer of privileges, demonstrably ruinous to England. 'But,' says the right honourable gentleman, 'this system will finally determine every question between the two nations, and nothing can arise in future to make a contest between them.' I call upon the right honourable gentleman to say what security he can give us for the certain accomplishment of his presage. Does he speak from experience ? Evidently not. Experience of the past, which I conceive to be the best criterion by which to determine the probability of the future, is against him. When the noble lord in the blue ribbon, in the year 1780, opened to the Irish the trade of our colonies, the Parliament of that country, declared themselves fully gratified, and thanked his Majesty in terms of the utmost gratitude and apparent satisfaction. In a few months, however, their voice was heard again. During the Administration of which I formed a part their legislature was declared to be independent ; and, in addresses from both

Houses of Parliament, they professed themselves so entirely content, as not to consider it possible that any subsequent question of political division could arise between the two kingdoms. Yet, in the very next session, they gave indications of new dissatisfaction, and further concessions were made. How are men to argue from these facts? One would imagine that the most effectual and satisfactory method of quieting the apprehensions, or relieving the exigencies, of a distressed country, would be that of appealing to their own testimony for a knowledge of their circumstances; to collect information from themselves; to desire them to state, in their own persons, the measure of their calamities, and the best expedient for the relief of them. This was precisely the way pursued heretofore. The concessions were granted on the declarations of the best informed men in the land—men the best qualified to know the state, the wants, and the expectations of the kingdom. Mr. Hussey Burgh and Mr. Grattan—names which no man could mention but with the sincerest and most cordial respect, were the authorities on which England proceeded, and on which she relied. But this, it seems, however specious and natural, was not the proper method of ascertaining the wants or wishes of another kingdom. The true and only means of finally concluding all disputes with Ireland, is to send a stranger there, and order him to address himself to their senate in such language as this: 'Hear me, ye men of ignorance and credulity! You know nothing of what you want, what you wish, or what would be good for you—trust yourselves to me—I am perfect master of all your infirmities—here is the specific that will cure you, the infallible nostrum for all ailments.' It seems that this is the only conciliatory expedient for administering to the relief of a disordered state—not to suffer the inhabitants to speak, but to send a man amongst them ignorant at once of their exigencies, their grievances, and their policy, to propose wild schemes of extravagant speculation, and prescribe for the disorder, without the painful tediousness of trying to understand it. In compliance with this new idea, Mr. Orde, an English gentleman, the secretary to an English nobleman, the Lord-Lieutenant for the time, rises up and proposes a set of resolutions which he pledges himself to carry into complete execution. These resolutions are brought to England, and, after two months' discussion, are completely and fundamentally altered. Upon these resolutions the right honourable gentleman thinks himself warranted to say that the system will be final. The right honourable gentleman said that he must have a fund of credulity who believed all the evidence which the manufacturers had given at the bar. In like manner, I say that he must have a fund of credulity indeed, who can believe on such premises that the Irish will be content with this system, or that the general interests of both countries can be promoted by its establishment.

"'It is possible,' says the right honourable gentleman, 'that one country may lose what another may gain.' I am ready to agree with the right honourable gentleman, that, in similar manufactures, or even in the same manufacture, one country might open channels of commerce unknown to another, the one acquire riches without the other suffering diminution: but it so happens, that between England and Ireland, under these resolutions, this cannot be the case. Their channels of consumption are precisely the same, and a mutual participation in all markets is the leading principle of the agreement. Ireland, therefore, cannot make a single acquisition but to the proportionate loss of England. I defy the right honourable gentleman to mention any one article—and he has not mentioned one—in which Ireland may gain without England suffering a loss. This, Sir, constitutes the distinct and prominent evidence of the impolicy of the system. It is this which will stir up jealousy between the two countries, and make Englishmen and Irishmen look at one another with cold hearts and suspicious eyes. If any one thing demands more than another the cautious deliberation of the committee, it is that of guarding against insidious competition; to take care that the new system shall not make the countries rivals instead of friends.

"Another objection requires a more satisfactory answer than it has yet obtained. We have gone great lengths for the suppression of smuggling, and have loaded our constituents with a commutation tax of a most heavy and unequal kind, merely to crush the contraband trade on our coasts. Upon the very heel of a most oppressive and inequitable expedient for the prevention of smuggling, we are preparing to adopt a new system, that will give to every species of this indirect and contraband commerce ten times the vigour and the generality that it ever possessed in the country. This is the right honourable gentleman's consistency. In one year he loads the subjects with the most intolerable imposition to which they were ever exposed, and the single motive, as well as the only possible excuse, for it is this: the prevention of smuggling. The next year, he introduces a new measure, the obvious and undeniable tendency of which is, to encourage all illicit trade to an extent hitherto unknown in any period of our history; for, by means of this new intercourse, no laws, no watchfulness, no penalties will have power enough to prevent the revival of every sort of contraband trade. I shall mention only a single article or two, to show the facility which these new resolutions will give to the exercise of smuggling. At present, so anxious are we to guard against the illicit importation of French gloves, that we have had recourse to a prevention of unexampled severity. Besides the penalty, which is uncommonly high, the person in whose custody suspected gloves are found is obliged to prove that they were made in this country. The *onus probandi* lies upon the person accused: an instance of severity unknown to the general penal provision of our statutes. When this communication with Ireland is opened, what will be the consequence? The person has only to say that they are Irish. It will be in vain that you call upon him to prove that they are manufactured there; and thus you will have articles of every kind poured in upon you. Silk stockings are another article of the same kind. Distinctions will be impracticable; and every species of light goods, of small package and easy transfer, will flow in upon us, to the ruin of our manufactures.

"I shall conclude, Sir, with supplicating the Committee to take time to deliberate, and to inquire fully before they decide on this measure, which must make an entire revolution in the whole system of British commerce. We have seen the benefits of delay. Let us be wise from experience. It is impossible that Ireland can object to our desiring a sober deliberation on a subject so infinitely important. It is said, that Ireland is out of temper, and that she has been irritated almost beyond her bearing. Ministers are answerable for this irritation, if such irritation exists. The violences which they committed in Ireland deserve the most marked and general reprobation. Their attacks on the liberty of the press; their endeavours to prevent the legal and quiet meetings of counties to deliberate on the best peaceable means of amending their deficient representation; their proceeding against men by summary attachment: all were violences which, perhaps, may have inflamed Ireland, and now Ministers are desirous of avoiding the consequences of imprudent insult by imprudent concession. But let us be cautious how we assist them in a design which may eventually turn out as insidious to that country as it would be ruinous to this: a design which may, perhaps, involve in it another commutation, and that a more pernicious one, even than that well-known and universally-execrated measure which now bears that name—a commutation of English commerce for Irish slavery.

"Let us remember, that all the manufacturing communities of Great Britain are avowedly against the system. So general an union never took place as on this occasion. So large a number of petitions never were presented from the manufacturers on any former occasion; and what is still more remarkable, there is but one solitary instance of any manufacturing body having expressed a syllable in its favour. The voice of the whole country is, therefore, against the resolutions. It is within the memory of all men, that sometime ago the right honourable gentleman was an advocate for the voice of the people: 'What,' said he, when a number of petitions were presented against the India Bill which I had the honour to move, 'will you persist in this bill against the voice of the people? Will you not hearken to the petitions upon your table?' It was ever my opinion, Sir, that petitions should be heard, and most seriously attended to; but it was not my opinion that they should always be implicitly complied with. A distinction should be made between petitions, as temporary circumstances, or the casualties under which they are presented, shall suggest; and I should certainly be at all times more inclined to pay respect to them when they applied to subjects of which the petitioners could, from their habits or otherwise, be considered as competent judges—much more so, beyond all question, than when they spoke merely from vague representations, and on topics with which they had no means of being conversant. The right honourable gentleman is of a contrary opinion. It is only when they come against the India Bill that he thinks them worthy of notice. When hundreds of thousands come to our bar, deprecating the countenance of a system, which, from their own knowledge, they pronounce to be ruinous to the manufactures of England, he treats them with something that merits a severer term than disdain. Mr. Wedgwood, Mr. Richardson, Mr. Walker, and the other great manufacturers, and who, from opulence and every other consideration, are worthy to be ranked with the best men in this House, have received from the right honourable gentleman every species of ill treatment and indignity that the lower or most degraded characters could receive, or the most contemptuous and violent could bestow. Their intelligence on their respective manufactures ought to give weight to their petitions as well as to their evidence, and to ensure them, not only a decent hearing, but a most attentive regard. The right honourable gentleman, however, considers the voice of the people only as sacred and commanding where it is exerted against things upon which the petitioners are not competent to decide. For instance: if these gentlemen—who, I dare say, during the rage of opposition to the India Bill, also signed petitions against it—were at the bar, they had been asked if they objected to that bill, and they had answered in the affirmative, would their testimony in the one case have been deserving of the same notice as on the interests of their particular manufactures? Surely not. In the one case, they spoke from what they had heard, or from what they conjectured; in the other, from what they knew. Can the Committee think that they know more of the Manchester manufacture, than Mr. Richardson and Mr. Walker?—of the iron manufacture, than the gentlemen that we have heard this day?—and of every other manufacture, than the persons who have spent their lives in the study, and embarked their fortunes in the progress? If we do know better, let us, in the name of Heaven, discharge our consciences, and speak as we think, against those manufucturers; but, at any rate, let us deliberate: let us take time to think before we act. Our decision will not be less efficacious for being the result of inquiry; nor is it possible that any evil can arise from a delay which affords some interval for decent discussion.

"Before I sit down, Mr. Gilbert, it may not be amiss to suggest to gentlemen, that the present is a subject from which, above all others, private partialities or personal attachments ought to be totally excluded. This is not a question of personal struggle between man and man, a contest for power, nor the mere war of individual ambition. It is a question of life and death for the country—not for the official existence of this or that minister, but for the political existence of Great Britain herself. In the consideration of such a question, therefore, let gentlemen strip themselves at once of prejudices and predilections: let them guard their minds equally against an undue bias of every denomination, whether of political sympathy with the minister, or of attachment to opposition—whether of individual respect for gentlemen on that side of the House, or on this—let them recollect that the Minister has, by his conduct this day, demonstrated to the House, that implicit confidence in him is as dangerous as it is absurd; that infallibility is no more the prerogative of the right honourable gentleman than of the rest of the world. He has introduced sixteen new propositions, the general object of which is to correct and to qualify his original system, and the particular aim of some of which is to change the very essence or vital nature of his previous plan. Let us suppose, then, that this principle of implicit confidence had prevailed in the minds of gentlemen when this system was originally proposed to the House, if they had acceded to the propositions, in the shape and formation in which they were at first presented—and that it was for a long time the minister's intention to obtrude them upon this House with all their original infirmities upon their head, is well known to us and to the world—what would have followed? Why, evidently this—that this confidence so reposed, would have led gentlemen to do that which, in the opinion of the Minister himself, would have been wrong. Let this example, therefore, of the demonstrated and acknowledged peril which results from blind predilection and the total resignation of personal judgment, warn gentlemen how they fall into the same error a second time. The Minister himself tells them this day, that they would have been in the grossest and most pernicious error in which the legislators of a great country were ever involved, if they had trusted entirely to him on a former occasion. I will take upon me to tell them that their error will not be less gross, nor less pernicious, if they trust him too implicitly on this.

" I shall only add, Sir, that he who can understand so complicated and so extensive a subject upon so slight and transitory a view of it, possesses an intellect not common to the general body of mankind, and which certainly cannot be the general characteristic of this House. For one, I can truly say, he must possess an understanding of infinitely more quickness and acumen than any to which I pretend. He that votes for the propositions without understanding them, is guilty of such a desertion of his duty and his patriotism as no subsequent penitence can possibly atone for: he sacrifices the commerce of Great Britain at the shrine of private partiality, and sells his country for the whistling of a name. The minister who exacts, and the member who submits to, so disgraceful an obedience, are equally criminal. The man who, holding the first seat in his Majesty's Council, can stoop to so disgraceful and fallacious a canvass, as to rest his ministerial existence on the decision of a great national question like this, must be wholly lost to all sense of dignity, of character, or manly patriotism; and he who acquiesces in it from any other inducement but that of cautious and sincere conviction, surrenders every claim to the rank and estimation of an honest and independent member of Parliament, and sinks into the meanness and degradation of a mere ministerial instrument, unworthy the situation of a senator, and disgraceful to the name of an Englishman."

After a debate which lasted till five o'clock in the morning, the Committee divided on the question of adjournment moved by Lord North: Yeas, 155; Noes, 281. The first resolution was then agreed to.

May 30. The report of the Committee of the whole House on the Irish Propositions was this day taken into consideration. When the fourth resolution was put, Mr. Sheridan opposed it in a most able speech. Mr. Pitt said, "that when he considered the language that had been held, and the quarter it came from; when he reflected on the designs of those who had presented themselves in so conspicuous a manner as the enemies of the resolution then before the House, and saw with how much artifice and zeal those designs were supported, and when he weighed the motives, as well of those who had been silent as of those who had spoken to the question, he could not remain an idle spectator in a transaction that so essentially concerned the interest of the two kingdoms, which composed the remaining part of the British empire. If a chain of recent events, and the whole tenor of the conduct that had been adopted by persons of a certain description had not exhausted and anticipated his surprise at anything that could come from them, he could scarcely believe his senses, when he beheld a gentleman (Mr. Sheridan), who, for many weeks, had concealed his intentions so effectually as to leave it a doubt whether he was friendly or hostile to the arrangement now depending, stand forth the avowed enemy of a part of the system which was necessarily connected with the whole, and take up a ground of opposition the most dangerous and inflammatory that could possibly suggest itself. But it was not to be wondered at that the conduct of the honourable gentleman should be so inconsistent, when it was remembered how inconsistent all the measures of the party of which he was the mouth, were in themselves, and how inconsistent the persons who composed that party were with one another. Still the pursuits of that party, however various and however contradictory, had one uniform tendency. Whether they reprobated on this day what they had approved on the preceding, or whether they abandoned a principle which they had before admitted; whether one individual differed from or coincided with the rest of his associates, still the effect of all their efforts, of all their perseverance, and of all their tergiversation was to be the same—to embarrass and confound the measures of Administration, to embroil and disunite the affections of their fellow-subjects, to excite groundless alarms, and on those groundless alarms to foment the most dangerous discontents. The noble lord in the blue ribbon, in assenting to the resolution, and the honourable gentleman in opposing it, had taken care to support their several opinions by the same argument, and that argument was, of all others, best calculated to promote the ultimate design of both, however different the modes they took to accomplish it—the jealousy and resentment of the sister kingdom. The resumption of legislative supremacy over Ireland was the ground of acquiescence in the one, of dissent in the other; and thus they divided between them the two features of the character which their right honourable friend, Mr. Fox, had shown himself so ambitious to assume: that of an English and an Irish patriot. How gentlemen could think themselves warranted in setting up an opposition to measures, in favour of which they had borne more than a silent testimony (for they had expressly acknowledged the several amendments to be such, as not only were in themselves unexceptionable, but had also the positive merit of correcting, in a great degree, the objectionable qualities of the original propositions), was a circumstance only to be accounted for by those who, from a close attention to the conduct of the party, and a congeniality of sentiment with them, had brought themselves to understand and to adopt the whole of their system, and were thence enabled to see that it was a double game that they were playing, and that their appearing to oppose the resolutions by arguments directly contrary to each other, was merely with a view to secure the same end and to compass the same design."

Mr. Fox began with remarking, that, " in the personal and political character of the right honourable the Chancellor of the Exchequer, there were many qualities and habits that had often surprised him, and, he believed, had confounded the speculations of every man who had ever much considered or analyzed his disposition; but that his conduct on that night had reduced all that was unaccountable, incoherent, and contradictory in his character in times past, to a mere nothing. That he shone out in a new light, surpassing even himself, and leaving his hearers wrapt in amazement, uncertain whether most to wonder at the extraordinary speech they had just heard, or the frontless confidence with which that speech had been delivered. Such a farrago of idle and arrogant declamation, uttered in any other place, and by any other person, upon the subject in question, would naturally fill the members of that House with astonishment; but, spoken by that right honourable gentleman within those walls, in the presence of men who were witnesses of all the proceedings upon this business, every one of whom could bear testimony to the gross and unblushing fallacy of the right honourable gentleman: it was," Mr. Fox said, " an act of boldness, a species of Parliamentary hardihood, certainly not to be accounted for upon any known or received rules of common sense or common reason.

" I cannot," continued Mr. Fox, " help remarking the vast disparity in the tone, the temper, and the style of expression exhibited by the right honourable gentleman upon this night, from those which he deemed it expedient to adopt when he opened the eighteen propositions to this House. On that night I quoted a passage:

> ' Telephus et Peleus, cum pauper et exul uterque,
> Projicit ampullas, et sesquipedalia verba ;'

and quoted it to exemplify the change occasioned by the deplorable situation in which his rashness, his ignorance, or what is not more reputable than either, his servile adoption of other men's fancies, and thrusting forward the crude heap of discordant and dangerous materials which form this miserable project, had involved the right honourable gentleman. Upon that occasion, I could not help observing, that the *ampullæ* and the *sesquipedalia verba*— that the right honourable gentleman's magnificent terms, his verbose periods, and those big, bombastic sentiments which constitute, in general, the principal part of his orations, had for once forsaken him, or been relinquished, for language and for manners better accommodated to his disastrous condition. Then we saw the avowed confederacy of the right honourable gentleman with those about him, whose co-operation in the general system of his government he is commonly so anxious to disavow, but whose opinions he so uniformly propagates and asserts, then we saw that preposterous ambition, that gaudy pride, and vaulting vanity, which glare upon the observer beyond all the other characteristic features of the right honourable gentleman, and which prompt him to look down with contempt on his political coadjutors, to fancy himself the great overseer, the surveyor-general of the British Government; we saw this glittering assemblage melt away, and that right honourable gentleman descend to a curious and most affecting sympathy with the other supporters of this system, as well as into something like a modest and civil demeanour towards those who oppose it. But, alas! the right honourable gentleman's deviation into a moderate and humble course of argument, into a course befitting a man detected in ten thousand instances of folly, precipitancy, rashness, weakness, and consummate ignorance of the subject in discussion, was but transient and temporary. The hopes of a reform in his conduct were as fallacious, even as the many hopes of other reforms which that right honourable gentleman has gulled a variety of persons in this country to entertain upon points of more importance. Upon this night, the right honourable gentleman has relapsed into his own favourite and darling habits, the *ampullæ* and *sesquipedalia verba* are again resumed, with additional redundancy. Nerved with new rancour, and impelled with fresh vehemence, the right honourable gentleman rushes blindly forward; but, surely, it cannot escape observation, that the display of these passions, and the resumption of that mode of reasoning, are the best proofs that the right honourable gentleman is, indeed, reduced to the last extremity; and, by the use of such arguments, that he shows himself destitute of any that better become a real statesman, or a great orator.

"Beaten out of everything that bears a resemblance of argument, without the least shred or remnant of reasoning to support him, the right honourable gentleman is forced upon the rash and dangerous hazard of carrying the war into the enemy's camp; and finding it impossible to say one word in vindication of his own deformed and miserable system, he is obliged to throw out a series of invectives, and, by exhibiting a list of charges against us—charges which, the very moment he gave them utterance, he knew to be absolutely and entirely destitute of every vestige of truth, to engage the attention, and divert the notice of the House from his own wretched and contemptible schemes. The admirable argument of my honourable friend (Mr. Sheridan) is answered with hard epithets, with strong assertions, with lofty phrases, with long and laboured calumnies, and with the usual round of redundant and disgusting egotisms. In proportion to the poverty of the cause he engages in, is the pompous assumption of the right honourable gentleman;

and of all the various singularities which compose his character, nothing, I confess, amazes me so much as the perfect composure with which he attempts to criminate his adversaries, upon points in which he is himself, of all men living, the most vulnerable; and the steadiness and resolution with which he puts forth accusations, in desperate defiance of truth, and with as determined a contempt of prudence and propriety in the manner of urging them.

"Before I touch upon the charges to which I allude, I cannot help observing, with what special grace the right honourable gentleman ridicules long speeches, with what a singular propriety he, of all the members in this House, attempts to correct others for occupying much of the time of the House. I do not intend to deny the right honourable gentleman the merit of great abilities, great eloquence, and great powers of pleasing his hearers; but of all the crimes to be urged against any person within these walls, the last, undoubtedly, for the right honourable gentleman to venture upon is, to charge the long duration of his speech as a fault against any member. The right honourable gentleman, like myself, is under the necessity of troubling this House much oftener, and for a much longer time, than is, perhaps, agreeable; and it ill becomes either of us to reproach others for a practice we ourselves so frequently fall into. Grateful for the indulgence we are favoured with, we should certainly be the last to condemn that in which we ourselves are the greatest transgressors. And I shall drop this part of the subject, with only remarking, that, if an almost uniform deviation from the immediate subject in discussion; if abandoning liberal argument for illiberal declamation; if frequently quitting sound sense for indecent sarcasms, and preferring to rouse the passions and inflame the prejudices of his auditory to the convincing their understandings and informing their judgments, tended to diminish the title of any member of this House to a more than common portion of its temper and endurance, I do not know one gentleman who would have so ill-founded a claim upon it for such favours, as the right honourable gentleman himself.

"The right honourable gentleman has struggled much to fix a charge of inconsistency upon my noble friend, and upon my honourable friend near me; and such is the fatality of an inordinate appetite for accusation, that the only point by which he has chosen to illustrate this inconsistency, is a point that proves as clear as daylight, that both the one and the other is perfectly and thoroughly consistent. The noble lord supports the fourth proposition, because he thinks it makes laws no more for Ireland than is, in this instance, just. The honourable gentleman reprobates it, because he thinks it an insidious, deceitful, and treacherous manœuvre, to cheat the Irish out of their independence, and dupe them into servility, by prospects of advantages of another kind. The noble lord and the honourable gentleman have taken the same side, argued upon the same principle, and acted under the same impression, upon the same subject, from the first moment the right honourable gentleman introduced it to this House; their language has been unvarying, and their conduct in strict unison with their respective declarations. The noble lord has shown the danger to the trade of England from the adoption of these propositions, and has, in my judgment, unanswerably proved, that the promised compensation is fallacious in the extreme; in both these positions my honourable friend concurs; nay, he goes farther, and demonstrates, that though he might wish well to the propositions as generally favourable to the trade of Ireland in their original state, the right honourable gentleman's alterations have so radically changed their nature, that Ireland will be the positive loser in these three great branches—viz., the American, West Indian, and East Indian trade; so that the only chance she has of benefit, or of indemnifying herself for the injury she receives by the change of her present system of trade in these great lines of commerce, consists solely in the hopes of underselling England in the English markets. He, therefore, considers the arrangement upon the whole as prejudicial to Ireland (independent of the attempt at resuming the power of legislation under the fourth proposition), because it is not by the downfall of England that he wishes Ireland to prosper. Thus, all my noble friend's argument tended to show the danger to the manufactures and trade of England from the proposed system: my honourable friend admits that Ireland's only source of benefit is confined to England, for that, in the arrangement of the foreign trade, everything is against her; and in this point, so triumphantly dwelt upon by the right honourable gentleman as the criterion of their contradiction, nothing, in fact, appears but the most precise consistency on their part. This detection of his mistake may, perhaps—but I believe nothing can—teach the right honourable gentleman to consider a charge before he makes it, and not to waste so much phlegm, nor expend so many fine periods, upon subjects which will only show his own rashness, weakness, and, I had almost said, absurdity.

"But the right honourable gentleman seems determined, at all risks, to fill up the catalogue of accusations, and in the hey-day of his spleen, in the plenitude of his indignation, to contemn every consequence to himself, provided he succeeds in giving us a side blow. What is the world to think of that right honourable gentleman's discretion and judgment from this night, who, upon the subject of the Irish Propositions, ventures, neither more nor less, than to charge us with shifting our ground, and playing a double game? Is there a gentleman present, who would have believed that the right honourable gentleman could have been so unguarded, so senseless, so mad as to stumble on such a charge? For him to talk of our shifting our ground! He, who has shifted his ground, until, in truth, he has no ground to stand upon! He, who has assumed so many shapes, colours, and characters, in the progress of this extraordinary undertaking! He, who has proclaimed determinations only to recede from them; who has asserted principles only to renounce them! He, whose whole conduct, from the first moment the system has been proposed, has been one continued chain of tricks, quibbles, subterfuges, and tergiversations; uniform alone in contradictions and inconsistencies! Compare the eighteen propositions now upon your table, with the eleven original ones, as the right honourable gentleman introduced them to this House; compare his language on that day with the language of this night; compare the nature of the two strings of propositions, substantially and fundamentally subverted in many parts, in all materially altered, with those reiterated declarations, that not one principle could on any terms be meddled with: let the House reflect upon these circumstances, and then let them judge whether a grosser piece of insanity was ever heard of than that the author of all this miserable foolery should charge others with shifting their ground!

"Who proposed the scheme to Ireland as a digested system, final and complete; pledging the faith of Government that the eleven propositions contained the whole, and that not one of them should be altered? The right honourable gentleman. Who swelled these eleven propositions to eighteen—in a variety of fundamental points radically altered and overturned? The right honourable gentleman. Who assured the body of British traders and manufacturers, that their respective branches should be faithfully secured from every evil; who denied this assurance afterwards; who solemnly declared, in the face of the House of Commons, that all the principles of the original eleven propositions should remain inviolate; who was it that afterwards openly violated this solemn declaration? Let the right honourable gentleman answer these questions if he can, and let the world decide which side of the house has been playing a double game.

"But, Sir, it is not in retorting these silly charges that we rest our defence. From the beginning we have been uniform and consistent; and if any new objections have been urged by us, they are attributable to the novelty of the propositions which the right honourable gentleman has produced, without any previous notice, to this house. It were, indeed, a hardship and injustice, if, because we combated the defects of a new scheme, we were liable to the charge of shifting our ground against an old scheme, no longer the object of discussion. And here I cannot help observing, that, if it be true that ingratitude is the worst of sins, I can see no light in which the right honourable gentleman appears, but that of the worst of sinners. What a pernicious scheme would this have been, unpurged by our amendments! and what a return does he make us! But there are proud and sullen souls enveloped in fastidious admiration of themselves, and haughty contempt for the rest of the world, upon whom obligation has only the effect of enmity, and whose hatred is best secured by redeeming them from danger and dishonour.

"There remains one charge to be noticed, which is more singular, if possible, than the former, because it is more palpably groundless. The right honourable gentleman affirms, that now, for the first time, an objection is made to the fourth proposition; and he infers from my silence this night that I have no arguments to oppose to it. How any man, with the smallest faculty of recollection, with the slightest feeling of shame, can hazard such an assertion, is, I confess, to me perfectly unaccountable! I do not believe there is one man, not merely in this house, but in this country, who reads a newspaper, that can be ignorant, that I have uniformly reprobated this fourth proposition from the first moment of its introduction—that we divided the committee upon this very clause of the system—and that our minority was a very small one. The very arguments I shall now urge against it, will demonstrate the falsehood of the accusation, for they will only be a repetition of what I have said before; and, when the House recollects that I am charged with having never before objected to this proposition, it will, I trust, excuse the tautology."

Here Mr. Fox went over the ground of his objections to this part of the system. He said, "He had no doubt the fair construction of the fourth resolution would appear, to any man of common sense, to be virtually to make laws for Ireland, and to renovate rashly and wantonly the jealousies of the whole Irish nation, upon a point of the most peculiar tenderness and delicacy. In vain were attempts made to assimilate this surrender of the legislative independence of Ireland with the case of treaties between two sovereign states. In the latter case, one state bound itself to do something defined and specific when the other adopted some defined and specific measure. Here was no condition of servitude and obedience, but a mutual agreement to accomplish something understood and particularised by common consent, for their common advantage, upon a certain contingency. To make the cases similar, an instance should be produced (which instance, Mr. Fox affirmed, could not be found in the history of mankind) where one independent state bound itself solemnly to do anything undefined, unspecific, and uncertain, at the arbitrary demand of another state. Precisely such a demand would be made upon Ireland; and, if this proposition were adopted, no man would be simple enough to deny, that England would make laws for Ireland; for what would be the passing of a bill under the operation of this member of the proposed system through the Parliament of Ireland but a legislative mockery? For not a single change could be made in it afterwards, and fair discussion and free agency would, from that moment, be utterly extinguished.

"Thus incontestably stood the matter in point of reasoning and in point of fact. He could conceive many possible cases, where the concurrence of the Irish Parliament might be required to arrangements absolutely destructive of the interests of Ireland. Suppose an English Act of Parliament restrained the trade to the colonies to particular articles in which England flourished, and which Ireland dealt in to little or no extent; suppose an English Act of Parliament prohibited all foreign trade in ships of a certain description, and in which description alone Ireland now carried on her trade. Many other cases would occur to gentlemen, if they would take the trouble of reflecting upon the possible operations of the fourth proposition. This system once adopted, Ireland, without breach of faith, could not refuse to register the English law in her statute book; and numerous instances might occur hereafter, where the Parliament of that kingdom must rest upon this desperate alternative, either to violate the faith of the nation, or to betray and sacrifice its dearest interests. This consideration," Mr. Fox said, " even independently of its insidiously resuming a power most solemnly renounced, would persuade him to the rejection of the proposition; and in this, as well as in a thousand other points of view, he saw the whole of the proposed plan, as the infallible source of eternal discontent, animosity, and ill blood, between the two kingdoms, though we were captivated with the flourishing and fanciful pictures of the harmony and concord that were to cement the sister nations, according to the right honourable gentleman's predictions.

" The right honourable gentleman had adopted a mode of recommending the fourth proposition, perfectly suited to the capacity and turn of those who proclaimed their confidence in him, as the principle that procured their support to a system, of which they made no scruple to avow themselves perfectly disqualified from judging. But unless he thought all the members of that House were blinded by the same scandalous ignorance; unless he was weak enough to persuade himself that the nation was possessed with the same bigoted enthusiasm and inveterate idolatry for him, why would he venture upon such nonsense? The argument was: As well might England complain of surrendering her legislative independence, because she was bound by this treaty to similarity of trade and navigation laws with Ireland; that was, that England, who was to make the law, might as well complain as Ireland, who was to obey the law. This was the right honourable gentleman's argument; and let no one imagine that he employed such rank folly from want of abilities: the right honourable gentleman's abilities were very considerable, and if the cause admitted of a better defence, the right honourable gentleman would certainly make it. When England should agree to be governed by trade laws originating in the Irish Parliament, the right honourable gentleman's reasoning would be forcible; but, with all the partiality of that House for him, even he would not dare to give utterance to such a proposition within those walls. Why he thought the Irish were more insensible to the blessings of their constitution than the English," Mr. Fox said, "he knew not.

" Although the right honourable gentleman charges upon me," concluded Mr. Fox, " that I have not heretofore opposed this proposition, he might surely have recollected that a noble lord near him (Lord Mahon) had attempted to ridicule me, when this question was before under discussion, as being now an English, now an Irish patriot; and to that ridicule, impotent and awkward though it fell, I beg leave to plead guilty. I wish to appear what I really feel, both an English and an Irish patriot; only let it be recollected, that I am not so now merely for the exigency of the moment. Let it be recollected, that if, in defending the liberties of Ireland, and discovering a jealousy for her constitution, I deserve the name of an Irish patriot, to that honour I have been entitled ever since the first day of the session, when I could not foresee the events of the present day, and long before I knew that any commercial treaty with Ireland had ever been talked of.

I embraced the first opportunity afforded by the meeting of this House, to declare my execration of the conduct of the King's Ministry in their proceedings in Ireland, where I saw the fundamental and most sacred principles of the constitution daringly overturned, and doctrines advanced, and measures adopted, in my judgment, utterly subversive of every trace of civil liberty; and all this in the zeal of the right honourable gentleman to suppress the reform of Parliament in Ireland.

"Upon the opening of the proposed arrangements in this House, I repeated the same arguments, and was convinced that Ireland never called for this system, nor ever thought of it, but was seriously occupied with other objects; I added, that I considered the whole plan as a lure to divert the Irish from constitutional points, by throwing the trade of England at their feet; and to reconcile them to the violation of the laws of the land and of the constitution, by the enchanting prospect of the commercial benefits held out by this system. In this opinion I am strengthened every day; and the eager part acted by those who surround the right honourable gentleman would confirm to me that my fears for the constitution of Ireland were not ill-founded, had this fourth proposition been to this hour withheld from England, as it has been studiously concealed from Ireland. If this conduct, Sir, constitutes an Irish patriot, then am I one; and if to struggle to save the trade of England from annihilation, gives any claim to the appellation of an English patriot, I possess that claim. I did not incite the merchants and manufacturers to an opposition to this scheme. If I were capable of making them instruments in this business, they were incapable of becoming my instruments; they did not follow me—I followed them. To the right honourable gentleman's government they were exceedingly partial; and, not quite recovered from the insanity of the times, they were absolutely prejudiced against me and my friends. They are as discerning and respectable a body of men as any in Europe, and merited, I think, better treatment than they have experienced from the right honourable gentleman. No man was ever more indebted to the protection of the people than that right honourable gentleman; and no people, I believe, ever so soon began to repent of their predilection. Every act of his government has tended to open their eyes; they are, I believe, completely cured of the popular infection, but I fear their conviction comes a little too late.

"I shall now relinquish this subject, perhaps for ever, with repeating a sentiment that I have before thrown out during the discussions upon this business: I will not barter English commerce for Irish slavery; that is not the price I would pay, nor is this the thing I would purchase."

The resolutions were then passed, and ordered to be carried up to the House of Lords. They here again encountered considerable opposition, and received several amendments.

The following were the propositions, as finally agreed upon by both Houses:—

"Resolved, 1. That it is highly important to the general interests of the

British empire, that the intercourse and commerce between Great Britain and Ireland should be finally regulated on permanent and equitable principles, for the mutual benefit of both countries.

"2. That it is consistent with the essential interests of the manufactures, revenues, commerce, and navigation, of Great Britain, that a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision, equally permanent and secure, shall be made by the Parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expenses, in time of peace, of protecting the trade and general interests of the empire.

"3. That towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, except those of the growth, produce, or manufacture, of any of the countries beyond the Cape of Good Hope, to the Straits of Magellan, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties (if subject to duties) to which they would be liable, when imported directly from the country or place from whence the same may have been imported into Great Britain or Ireland respectively, as the case may be; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters not imported from the British colonies in the West Indies, shall be fully drawn back, within a time to be fixed, on exportation to the other; but, nevertheless, that the duties shall continue to be protected and guarded, as at present, by withholding the drawback until a certificate from the proper officers of the revenue in the kingdom to which the export may be made, shall be returned and compared with the entry outwards.

"4. That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and, therefore, that it is essential, towards carrying into effect the present settlement, that all laws which have been made, or shall be made, in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations (such laws imposing the same restraints, and conferring the same benefits, on the subjects of both kingdoms) should be in force in Ireland, by laws to be passed in the Parliament of that kingdom, for the same time, and in the same manner, as in Great Britain.

"5. That it is further essential to this settlement, that all goods and commodities of the growth, produce, or manufacture, of British or foreign colonies in America, or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland, should, on importation, be subject to the same duties and regulations as the like goods are, or, from time to time, shall be subject to, upon importation into Great Britain; or, if prohibited to be imported into Great Britain, shall be prohibited in like manner from being imported into Ireland.

"6. That, in order to prevent illicit practices injurious to the revenue and commerce of both kingdoms, it is expedient, that all goods, whether of the growth, produce, or manufacture, of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from Ireland, or into Ireland from Great Britain, should be put (by laws to be passed in the Parliaments of the two kingdoms) under the same regulations with respect to bonds, cockets, and other instruments to which the like goods are now subject in passing from one port of Great Britain to another.

"7. That, for the like purpose, it is also expedient, that when any goods, the growth, produce, or manufacture, of the British West India Islands, or any other of the British colonies or plantations, shall be shipped from Ireland for Great Britain, they shall be accompanied with such original certificates of the revenue officers of the said colonies as shall be required by law on importation into Great Britain; and that, when the whole quantity included in one certificate shall not be shipped at any one time, the original certificate, properly indorsed as to quantity, should be sent with the first parcel; and to identify the remainder, if shipped within a time to be limited, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what ports.

"8. That it is essential, for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies, or in America, or to the British settlements on the coast of Africa, or to the countries beyond the Cape of Good Hope to the Straits of Magellan, should from time to time be made liable to such duties and drawbacks, and put under such regulations, as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions than the like goods shall be burdened with when exported from Great Britain.

"9. That it is essential to the general commercial interests of the empire, that, so long as the Parliament of this kingdom shall think it advisable that the commerce to the countries beyond the Cape of Good Hope to the Straits of Magellan, shall be carried on solely by an exclusive company, having liberty to import into the port of London only, no goods of the growth, produce, or manufacture, of the said countries should be allowed to be imported into Ireland but through Great Britain; except dye stuffs, drugs, cotton or other wool, and spiceries, which may be imported into Ireland from foreign European countries, so long as the same are importable from foreign European countries into Great Britain: and that it shall be lawful to export such goods of the growth, produce, or manufacture, of any of the countries beyond the Cape of Good Hope to the Straits of Magellan, from Great Britain to Ireland, with the same duties retained thereon as are now retained on their being exported to that kingdom, but that an account shall be kept of the duties retained, and not drawn back on the said goods exported to Ireland, and that the amount thereof shall be remitted, by the Receiver-general of his Majesty's Customs in Great Britain, to the proper officer of the revenue in

Ireland, to be placed to the account of his Majesty's revenue there, subject to the disposal of the Parliament of that kingdom: and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope to the Straits of Magellan should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture, of that kingdom; and that no ships be allowed to clear out from Ireland for any of the said countries, but such ships as shall be freighted by the said company, and which shall have sailed from the port of London: and that, whenever the commerce to the said countries shall cease to be so carried on solely by such an exclusive company, the goods, the growth, produce, or manufacture, of the said countries beyond the Cape of Good Hope to the Straits of Magellan, should be importable into Ireland, from the British or foreign settlements in the East Indies, subject to the same duties and regulations as the like goods from time to time shall be subject to on importation into Great Britain; and if prohibited to be imported into Great Britain, should in like manner be prohibited from being imported into Ireland.

"10. That no prohibition should exist, in either country, against the importation, use, or sale, of any article, the growth, produce, or manufacture, of the other, except such as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits; and except such qualified prohibitions, at present contained in any Act of the British or Irish Parliaments, as do absolutely prevent the importation of goods or manufactures, or materials of manufactures, but only regulate the weight, the size, the packages, or other particular circumstances, or prescribe the build or country, and dimensions of the ships importing the same; and also, except on ammunition, arms, gunpowder, and other utensils of war, importable only by virtue of his Majesty's license; and that the duty on the importation of every such article (if subject to duty in either country) should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty, on any such article of its own consumption, or an internal bounty in the country where such article is grown, produced, or manufactured; and except such duties as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

"11. That, in all cases in which the duties on articles of the growth, produce, or manufacture, of either country are different, on the importation into the other, it is expedient that they should be reduced, in the kingdom in which they are the highest, to an amount not exceeding the duties which were payable in the other on the 17th day of May, 1782; so that in every case in which any article was charged with a duty, on importation into Ireland, of ten and a-half per centum, or upwards, on the 17th day of May, 1782, the amount of the duties so reduced shall not be less than the said duty of ten and a-half per centum, unless in cases where any articles are importable duty-free into either kingdom from the other, which articles shall hereafter be imported duty-free into each from the other respectively; and that all such articles should be exportable, from the kingdom in which they shall be imported, as free from duties as the similar commodities, or home manufacture of the same kingdom: provided always, that when any such articles shall be liable, in either country, to any duty on being exported to any foreign country, the same articles, when re-exported from either of the said kingdoms into which they shall have been so imported as aforesaid, shall pay the like duties as if they had been originally exported from the kingdom of their growth, produce, or manufacture, to such foreign country.

"12. That it is also proper, that, in all cases in which the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, such manufacture, when imported from the other, may be charged with a further duty on importation, adequate to countervail the internal duty on the manufacture, such further duty to continue so long only as the internal consumption shall be charged with the duty or duties to balance which it shall be imposed, provided that the countervailing duty to be paid upon manufactured salt imported into any part of Great Britain, shall be computed upon the internal duty payable thereon in England; and that, where there is a duty on the raw material of any manufacture in either kingdom, such manufacture may, on its importation into the said kingdom from the other, be charged with such a countervailing duty as may be sufficient to subject the same to burdens adequate to those which such manufacture is subject to in consequence of such duties on such raw material in the kingdom into which such manufacture is so to be imported; and that the said manufactures so imported shall be entitled to such drawbacks or bounties on exportation as may leave the same subject to no heavier burden than the home-made manufacture; and that, in every case where a duty shall be payable in either kingdom on any article carried coastwise from one port to another of the said kingdom, the same article, when imported from the other kingdom, should be subject to the like duty.

"13. That, in order to give permanency to the settlement now intended to be established, it is necessary that no new or additional duties should be hereafter imposed, in either kingdom, on the importation of any article of the growth, produce, or manufacture, of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution, or in consequence of bounties remaining on such article when exported from the other kingdom.

"14. That, for the same purpose, it is necessary, farther, that no new prohibition, or new or additional duties, should be hereafter imposed, in either kingdom, on the exportation of any article of native growth, produce, or manufacture, from the one kingdom to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits; provided, that when any article of the growth, produce, or manufacture, of either kingdom, shall be prohibited by the laws of the said kingdom to be exported to foreign countries, the same article, when exported to the other kingdom, shall be prohibited to be re-exported from thence to any foreign countries.

"15. That, for the same purpose, it is necessary that no bounties whatsoever should be paid or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and except also the bounties at present given by Great Britain on beer and spirits distilled from corn, and such as are in the nature of drawbacks or compensations for duties paid; and that no bounties should be payable in Ireland on the exportation of any article to any British colonies or plantations, or to the British settlements on the coast of Africa, or British settlements in the East Indies, or any manufacture made of such article, unless, in cases where a similar bounty is payable in Great Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of or for duties paid over and above any duties paid thereon in Great Britain; and that, where any internal bounty shall be given, in either kingdom, on any goods manufactured therein, and shall remain on such goods when exported, a countervailing duty adequate thereto may be laid upon the importation of the said goods into the other kingdom.

"16. That it is expedient, for the general benefit of the British Empire, that the importation of articles from foreign countries should be regulated, from time to time, in each kingdom, on such terms as may effectually favour the importation of similar articles of the growth, produce, or manufacture of the other; except in the case of materials of manufacture, which are, or hereafter may be allowed to be, imported from foreign countries duty free; and that, in all cases where any articles are or may be subject to higher duties on importation into this kingdom, from the countries belonging to any of the States of North America, than the like goods are or may be subject to when imported as the growth, produce, or manufacture of the British Colonies and Plantations, or as the produce of the fisheries carried on by British subjects, such articles shall be subject to the same duties on importation into Ireland, from the countries belonging to any of the States of North America, as the same are or may be subject to on importation from the said countries into this kingdom.

"17. That it is expedient that such privileges of printing and vending books, engravings, prints, maps, charts, and plans, as are or may be legally possessed within Great Britain, under the grant of the Crown or otherwise, and that the copyrights of the authors and booksellers, the engraved property of engravers, print and map-sellers, of Great Britain, should continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken by the Parliament of Ireland for giving the like protection to the copyrights of authors and booksellers, and to the engraved property of the engravers, print and map-sellers of that kingdom.

"18. That it is expedient that such exclusive rights and privileges, arising from new inventions, as are now legally possessed within Great Britain, under letters patent from the Crown, shall continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken by the Parliament of Ireland, for giving the like protection to similar rights and privileges in that kingdom; and also that it is expedient that regulations should be adopted, with respect to letters patent hereafter to be granted in the case of new inventions, so that the rights, privileges, and restrictions, therein granted and contained, shall be of equal force and duration throughout both kingdoms.

"19. That it is expedient that measures should be taken to prevent disputes, touching the exercise of the rights of the inhabitants of each kingdom to fish on the coasts of any part of the British dominions.

"20. That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provision) shall produce, after deducting all drawbacks, re-payments, or bounties granted in the nature of drawbacks, over and above the sum of six hundred and fifty-six thousand pounds in each year, towards the support of the naval force of the empire, to be applied in such manner as the Parliament of Ireland shall direct, by an Act to be passed for that purpose, will be a satisfactory provision, proportioned to the growing prosperity of that kingdom, towards defraying, in time of peace, the necessary expenses of protecting the trade and general interests of the empire."

The above resolutions, with a joint address from both Houses of Parliament, were presented to his Majesty on the 29th of July, and, on the 2nd of August, a bill, founded upon them, was introduced by Mr. Pitt into the House of Commons, and read a first time. The two Houses then adjourned until the 27th of October following, and on that day Parliament was prorogued.

The resolutions, as agreed to by the two Houses of the English legislature, having been transmitted to Ireland, Mr. Orde, on the 12th of August, introduced, in the Irish House of Commons, a bill similar to that which had been brought forward by Mr. Pitt in the English House of Commons, but finding that the feelings of the people of Ireland were adverse to the measure, he shortly afterwards abandoned it.

Articles of Charge against Mr. Hastings—Rohilla Charge.

The pecuniary affairs of the East India Company being in a state of great depression, Mr. Warren Hastings, the Governor-General of Bengal, entered, in September, 1773, into a private engagement with the Nabob of Oude to furnish him, for a stipulated sum of money, to be paid to the company, with a body of troops, for the declared purpose of thoroughly extirpating the nation of the Rohillas, and annexing their country to his dominions. The pretended cause of quarrel was a sum of money which was alleged by the Nabob to be due to him from the Rohillas. The Nabob, with the assistance of a brigade of British troops, under the command of Colonel Champion, invaded their territories. It was agreed that he should pay £400,000 for the loan of the troops, besides defraying all their expenses while employed in his service. "The brigade," said the Governor-General, "will gain in its discipline by being on actual service, and its expense will be saved." The Rohilla chiefs, who would long have defied the Nabob and his troops, were appalled at the approach of the company's brigade, and expressed an earnest inclination to make an amicable arrangement; but the terms which the Nabob demanded were rejected by them as exorbitant. Being attacked by the British troops the Rohillas were thoroughly defeated and routed, although they displayed great valour and resolution in the engagement. During the battle the Nabob kept himself at a considerable distance in the rear of the army, surrounded by his cavalry and a large train of artillery, having relays of swift horses to favour his escape, if necessary. He refused the English the use of his cavalry and artillery during the engagement; nor would he move from his position of safety until the news of the enemy's defeat reached him. Upon this, he and his troops rushed on and plundered the camp of the Rohillas; "so that we had the honour of the day," said Colonel Champion, "and these banditti the profit."

The whole country lay at the mercy of the Vizier, and never probably were the rights of conquest more savagely abused. Not only was the ferocity of Indian depredation let loose upon the wretched inhabitants, but, as the declared intention of the Nabob was to exterminate the Rohillas, every one who bore the name of Rohilla was either butchered, or found his safety in exile.*

On the 4th of April, Mr. Burke, in his place, charged Mr. Warren Hastings with sundry high crimes and misdemeanors, and delivered at the table the first nine articles of his charge, and the rest in the course of the following week, amounting, in all, to twenty-two in number. On the 26th, it was moved on the petition of Mr. Hastings, that he should be allowed copies of the several articles, and be heard in his defence. To the latter part of the motion there was no opposition; but to the granting of copies Sir Grey Cooper, Mr. Burke, and Mr. Fox, made strong objections, as being contrary to precedent. Mr. Fox observed, that the charges before the House were not articulated charges, but merely general collections of accusatory facts, out of which the real charges were to be extracted. The question was, at length, put and carried.

June 1. The House having resolved itself into a committee of the whole House, to consider further of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq., late Governor-General of Bengal, Mr. Burke brought forward the first charge, having reference to the Rohilla war, and moved the following resolution thereupon:—"That the committee having considered the said article, and examined evidence on the same, are of opinion that there are grounds sufficient to charge Warren Hastings, Esq., with high crimes and misdemeanors upon the matter of the said article." Mr. Burke described, with great force, the nature of the question to be decided; declaring, emphatically, that it was an appeal from British power to British justice. The charge, he said, must either condemn the accuser or the accused: there was no medium, no alternative. The result must be, that Warren Hastings, Esq., had been guilty of gross, enormous, and flagitious crimes; or, that he (Mr. Burke), was a base, calumniatory, wicked, and malicious accuser. There were, he observed, but three motives which were known to actuate men and make them turn accusers: these were, ignorance, inadvertency, and passion; by none of these three had he been actuated. When he considered that Mr. Hastings had been for fourteen years at the head of the government in India, and that, during that time, not one complaint had been transmitted to England against him, he trembled at the enormous power he had to contend with, to which alone could be ascribed the silence in question; since it was not in human nature, situated as Mr. Hastings had been, to preserve conduct so pure, even-handed, and unimpeachable, as to afford no room for a single accusation to be stated against him. After this exordium, Mr. Burke stated at large the subject matter of the charge, and concluded a long and eloquent speech, with desiring the clerk to read the resolutions of May, 1782,* to clear himself from the imputation of having rashly and singly meddled with the subject. The motion was supported by Mr. Wilbraham, Mr. Powis, Mr. Montague, Lord North, Mr. M. A. Taylor, Mr. Windham, and Mr. Hardinge; and opposed by Mr. Nicholls, Lord Mornington, Mr. H. Browne, and Lord Mulgrave. At half-past three o'clock the debate was adjourned, and renewed the day following by Mr. Francis, Mr. Anstruther, and Mr. Fox, on the one side; and Mr. W. Grenville, Mr. J. Scott, Mr. Burton, Mr. Wilberforce, and Mr. Dundas, on the other. Upon this occasion

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* Mill's British India, book v. c. 1.

Mr. Fox rose, and said—

"Mr. St. John, I rise, at this hour, to express what I think with regard to this business, after debating two days about the form in which it should be put. It is, indeed, to me of very little consequence in what shape the question is brought before us. I want only to come at the ground upon which the matter stands; I wish only to meet the thing itself fairly and openly; the participation, the guilt, the criminality which may justly be imputed to Mr. Hastings, with regard to the war with the Rohillas—a war carried on to their ruin, destruction, extermination, or any other name you may please to give it, for it was certainly more than conquest. This is the object to which I have done all in my power to call the attention of the House; and I must confess that I am not a little surprised that it has been so much evaded, as it certainly has been, and that in a manner so extremely marked.

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* *Vide ante*, p. 197, note.

"The first charge exhibited by my right honourable friend appeared not to meet the wishes of the House. A charge specific of particular facts was called for; this was complied with. My right honourable friend brought a charge entirely of the nature and description of what had been demanded. It was then thought more agreeable to gentlemen to move a question upon the charge as it originally stood: this was acceded to with equal facility.

"Had I foreseen the use that would have been made of these concessions, I would never have consented; I do not mean that my consent would have been of any avail, but I would have debated to the last, rather than have suffered the motion to take the form it has now assumed. It has, indeed, always been my opinion, that the best mode of proceeding in this business was to move a general question, whether the whole of the charges contained matter of impeachment; and if this should be the opinion of the committee, to consider what particular articles were to make a part of this impeachment; and had it not been that I confided in the declarations of the right honourable the Chancellor of the Exchequer, I would still have persisted in this manner of taking up the business. It is my opinion that the number, as well as the weight, of the crimes that might be found, should have influence with the minds of gentlemen who form a resolution for impeachment; that the crimes should be great and enormous; and that not only should they bear that character, but that they should be in number very considerable, in order that the aggregate, and not the individuals alone, might form ground for inducing this House to present them before the House of Peers, in the only mode in which they can charge any man—that of impeachment. The right honourable the Chancellor of the Exchequer professes to agree entirely with me in this point; he has declared that he does not consider the vote upon this article, or any one article, as pledging gentlemen to impeach, if upon a retrospect of the whole, after having gone through each, they do not find grounds to lead them to such a determination.

"But, although the right honourable gentleman professes this to be his opinion, I must contend he means something else. Why, otherwise, should he be so much for retaining the word 'impeachment' at all in the motion?* If, as he declares, the vote is solely whether there are high crimes and misdemeanors imputable to Mr. Warren Hastings in this charge, that word can only tend to mislead, and occasion a sense of the motion before the House different from what it really is in its true intention. As I have said a good deal upon this in the course of the evening, I beg only that it may not be misunderstood by gentlemen, and that the motion may be taken in the sense explained by the right honourable gentleman to be his sense, and which certainly is mine, that every gentleman who is convinced that Mr. Warren Hastings is criminal, highly criminal, with regard to the Rohilla war, ought to vote for the question.

"Much blame has been thrown by an honourable gentleman (Mr. Wilberforce) upon my noble friend in the blue ribbon, for not recalling Mr. Hastings at the time he blamed him, as he declares he did, for the Rohilla war. The fact is, the noble lord did desire to recall Mr. Hastings, but his wishes were opposed by those who were Mr. Hastings's immediate masters. He did all in his power; he sent out General Clavering, Mr. Monson, and Mr. Francis, to examine into his conduct, and to be a check upon the violence of his proceedings. The effect has been as he foresaw, and it has brought to light those actions which are the subject of inquiry this day.

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* In the course of the evening, a motion, by Mr. Pitt, that the words "by impeachment" should be added to the original motion, had been acceded to by the House.

"My right honourable friend, too, who brought forward this charge, has been accused of a persecuting spirit; of bringing forward actions that had been passed over, and which it was right to bury in oblivion. Such imputations I believe my right honourable friend will not much regard; but when the honourable gentleman complains of Parliament, it is too much to pass it over in silence. This business was first inquired into, in the committee of secrecy, in the year 1782; it was then censured, and severely censured; and although it was a transaction which happened so many years before that period, it was not made known to them as a subject of inquiry before the appointment of that committee. It was in consequence of the facts that were discovered by that committee, that the resolutions reprobating the conduct of the Governor-General were passed by the House of Commons. My right honourable friend, it is true, moved for several papers: some were granted to him; many were refused; but the whole had its origin in the year 1782. But why should not the conduct of Mr. Hastings be entered into? If by the resolution of the House not to inquire into the transactions of the year 1781, an act of grace was passed, was all his life to be exempted; or was it only that period of it between the year 1781 and the year 1782? Certainly there must be some time for this purpose; and if the honourable gentleman could prove that the Rohilla war was after this time, in which no inquiry was to be made, he might do something; but let this be left to those who are convinced of the guilt of Mr. Hastings, and do not choose to condemn him, as their last subterfuge; but to which, it is to be hoped, they will be ashamed to fly.

"It has been said by some, that they see too much of party spirit in this business. I agree that professions are nothing. They have often deceived, and will deceive again; but I rest upon something better than professions. I rest upon my uniform conduct in this business. I was, from the first, a supporter of an inquiry into the management of the affairs in India. I was in the origin a strong advocate for the necessity of punishing the delinquency that was found there, by the activity of the learned gentleman over against me (Mr. Dundas). Through the whole of that business, I supported that learned gentleman, at a time when I disapproved of his politics as much as I do now. I supported him, even when those who were his friends were against the measures he proposed.

"Sir, I can appeal to something better than party spirit. I can show that this has always been the line of my conduct; I can appeal to the part I took upon myself at a much earlier period, in bringing to justice crimes committed in our Asiatic dominions; and there, too, by a man who had great advantages in his favour; for great fame, great glory, great acts for his country, were all in the character of Lord Clive; but these I valued as nothing.* Under whose banners did I then contend? It was under the banners of that man, who is now at the head of all the law and religion of this country, the present Lord Chancellor of England,† who treated the subject with that manly eloquence for which he is so much distinguished; who crushed, I may say, to atoms, all those who attempted to set up the services of Lord Clive as a bar to punishment. He would not suffer a word to be heard, he would not allow mention to be made of anything that was done by him, as any argument to prevent his punishment. I supported him, and if such was my opinion with respect to Lord Clive, I do not see anything in Mr. Hastings's conduct to induce me to change my mode of action. I do not think that, in any capital instance, he has been of great use to the company. The Mahratta peace is alleged in his favour. I have my doubts whether this peace had the merit ascribed to it; but if it had, it was a peace only upon a war entered into by himself, on his own wanton provocation; for he does not seem to have been at any time a friend to peaceable measures. He opposed, also, the forming, and the accomplishment, of the treaty of Poorunder;‡ he opposed, also, the peace with Tippoo Saib.§

"With respect to the particular question, I wish by no means to treat it lightly. I do not approve of making the difference of opinion on this subject, in the gentlemen at the head of the board, an object of pleasantry. The whole business is, in my opinion, solemn and important to the last degree. Much has been said of side questions, but I persuade myself there is a disposition in gentlemen to meet this question fairly and openly. Much disgrace would be upon this country if they should countenance the advice that has been given them by some persons, of assenting to this war, as founded on justice.

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* In the year 1772, Lord Clive's conduct in India was made the subject of severe animadversion in Parliament and among the public; and in 1773, a select committee was appointed to examine into it. On the 23rd of May, Colonel Burgoyne, chairman of the committee, moved, "that, in the acquisition of his wealth, Lord Clive had abused the power with which he was entrusted, to the evil example of the servants of the public;" but the previous question was put and carried. Mr. Wedderburn, afterwards Lord Loughborough, but then Solicitor-General, thereupon moved, "that Lord Clive had rendered great and meritorious services to this country." This motion passed without a division.

† Lord Thurlow. At the time referred to he was Attorney-General under Lord North's Administration.

‡ *Vide* vol. i. p. 678, note.

§ Tippoo Saib was the eldest son of Hyder Ali, and succeeded him in the rule of Mysore. The war in which Hyder Ali was engaged with the French against the English was continued, upon his death, by his son Tippoo. When, however, peace was concluded by the treaty of Versailles, in 1783, between France and England, the French troops engaged in the army of Tippoo were withdrawn. Shortly afterwards, (March 11, 1784), a treaty between the English and Tippoo was concluded, upon the condition of a restitution, by both parties, of all that they had gained in the war.

" As for this war of the Rohillas, it has appeared to all the world so wholly unjustifiable, that there has not been found among any set of men, any person that could defend it. If it should be supported by a British House of Commons, it will be the greatest misfortune that can befall this nation.

" The determination of this night will be attended to by all Europe. The nations around us will form upon it their future measures with regard to their powers in India; and may justly presage the total loss of all confidence in the justice of this nation in that part of the world. What must be thought by our Government in India? The rule held out to them they must, no doubt, consider as that by which they are, in future, to direct their conduct.

" It was said that, if we guaranteed Sujah-ul-Dowlah, we ought to follow him to the extent of what he proposed, and that there was no medium between forfeiting our faith as guarantees, and joining with him in the destruction of the Rohillas. This is, indeed, horrid policy! Instead of acting the part of an equitable umpire and mediator, what is it but to countenance and assist barbarous vengeance and rapacity? to defend that which has cast indelible stains upon the most brilliant monarchs?

" If anything similar to this, of which we are speaking, were to happen in Europe, how great would be the cry against it! If Great Britain were to guarantee a truce between the Emperor and the Dutch, in which they stipulated to pay a certain sum of money to the Emperor, and afterwards were to refuse to perform this, we ought, according to this reasoning, to join with the Emperor in the complete conquest of Holland. A noble lord (Mulgrave) has, indeed, most sagaciously asked, what, in such a situation, is a Governor of India to do; is he to consult Puffendorf and Grotius? No. But I will tell him what he is to consult—the laws of nature; not the statutes to be found in those books, nor in any books; but those laws which are to be found in Europe, Africa, and Asia—that are found amongst all mankind—those principles of equity and humanity implanted in our hearts, which have their existence in the feelings of mankind that are capable of judging.

" I have compared the conquest of the Dutch to the case of the Rohillas—but it was more than a conquest. The word extermination has been used; but if the meaning of it be, that every man, woman, and child, was put to death, Mr. Hastings is not guilty of so enormous a crime. Suffer me to make use of an example that may come home more to your feelings; and that is with regard to Ireland. The English are not above one-ninth of the inhabitants of that country, but they possess all the power, together with the greatest part of the property and landed estates of it. Were a French army to come and take possession of Ireland, and say to the English, 'You are a set of robbers, those lands do not belong to you; you are usurpers, and you came here under the greatest usurper in the world,' (for I believe most of the English families settled in Ireland in the time of Oliver Cromwell,) 'get you gone—get over that channel, and leave this country, of which you have so unjustly taken possession'—what difference would there be in an act of this kind, and what has been done to the Rohillas? Only this; the Rohillas had been in possession fifty years, and the English one hundred and fifty. No one, I believe, will think that the time could make any material difference; but if this were done by an enemy, it could only be done under the pretence of restoring the country to its ancient masters. With regard to the Rohillas, that is not the case: in other respects the case would not be dissimilar. If all the English were extirpated from Ireland, the manufacturers, the ploughmen, and the labourers would still be left; but I believe no one would say, that, in such a case, there would not be great hardship, great injustice, great cruelty. Figure to yourselves such a body of people driven from a country of which they were in peaceable possession, rooted up, and sent amongst you with their wives, with their children, without property, without anything to support them in existence: yet they would have another advantage; the English would only be sent across a narrow channel to their friends and countrymen; but the wretched Rohillas had no country; the country they had left had long been possessed by others, and where were these miserable people to seek for a place of shelter—from the persecution of whom? of Englishmen—natives of a country renowned for its justice and humanity! They will carry their melancholy tale into the numerous tribes and nations among whom they are scattered, and you may depend upon it the impression which it must make, will, sooner or later, have its effect.

"A great deal of argument has been made use of, with regard to the guarantee, it is said, we entered into. I own I think very differently from most people on this particular point. I think it necessary to consider first, if the agreement was a guarantee: I think Mr. Hastings was guilty, if it was no guarantee; if it was one, I think he is most guilty. But it was no guarantee. Sir Robert Barker, who signed the treaty alluded to, had no powers for this purpose.* He himself thought it no guarantee. The board thought it no guarantee. In truth, they could not enter into one, not even Mr. Hastings himself, without contradicting in the most express manner the very opinions he was at that time strongly professing to be the directors of his conduct.

"On the subject of offensive war there has been much dispute; but whatever may be the sentiments of others with regard to it, Mr. Hastings most explicitly declares his opinion to be against it. In the year 1772, Mr. Hastings, in his letter to the court of directors, says, 'I can in this beg leave to assure you, that I adopt, with sincerity and satisfaction, your orders against offensive war;' and with regard to the Vizier, he declares, that 'nothing shall either tempt or compel him to pass the political line which they had laid down for his operations with him.' He makes use of a very singular expression, for the purpose of showing his strong determination on this point; it seems to me to be nonsense; but it is intended to show his measures in a strong light: he says, 'In the mean time you will observe, that I have refused to go further than agreeing to a passive defence of his dominions.' This letter was written in the month of November, 1772; in the month of June preceding, the treaty was signed by Sir Robert Barker. If he had given them a guarantee by this treaty, and had come under an obligation to support such a guarantee by an offensive war, it is impossible he could have expressed himself in this manner. In Mr. Hastings' own letter, he takes merit to himself for having gone into no offensive treaty; and it is not to be supposed he could either be so absent, or have so much duplicity, as to speak of a business in a light which he knew to be false, and which might so easily be discovered.

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* The treaty alluded to, between Sujah-ul-Dowlah and the Rohillas, was concluded in the presence of Sir Robert Barker. For a copy of the treaty, see Appendix No. xxi. to the Fifth Report of the Committee of Secrecy on the Affairs of India.

"But they double the guilt who suppose a guarantee. If he was guarantee, it could be no reason for his taking up arms; the object was solely the acquisition of a sum of money; and I must beg leave to say, that the object of profit can be no reason for taking up arms at any time, or upon any emergency. Here the sole purpose was to acquire the sum of forty lacs of rupees. No previous requisition was made of them, but the country was immediately invaded. Couple this with the office which they ascribe to him; he was an umpire and a mediator. Every person who is a guarantee to a treaty, is a guarantee on both sides. An honourable gentleman said, that he might be such, and not be bound to interfere: this I deny; he has a power of choosing; he is bound to procure the effect of it in its full extent. But what was the conduct of Mr. Hastings? He receives a bribe for the purpose of extorting a sum of money from those he was obliged by treaty to defend; and he adds to the character of a cruel invader, that of a corrupt and profligate judge.

"I declare, Sir, that in all the writings I have ever seen, I never recollect such doctrine maintained as I have heard on this subject in this House. I do not pretend to be greatly conversant in books of this kind; but in all of them I have ever looked into, I have never seen conduct such as this attempted to be defended; not even in Machiavelli, or the most corrupt defenders of crooked policy. It is worse than any mode of acting adopted by the meanest states of Italy; and if such doctrines are allowed by the House of Commons to be valid, they are the first public assembly—I do not say that has acted upon them—but they are the first which has ever avowed and adopted them in any part of the civilized world. Unfortunately for mankind, actions are not always derived from pure sources in public bodies, but, in general, they take care to hold forth to the world principles of equity and justice.

"But if he did guarantee this treaty, it is insisted that he was bound to see the money paid to Sujah-ul-Dowlah. Was there no other way of procuring this than the one which Mr. Hastings followed? I cannot put it better than in the words of an honourable gentleman (Mr. Hardinge), who, when he pleases, possesses the powers of eloquence as much as any gentleman I know, but in a plain and simple manner he expressed this more strongly than by the most magnificent figures—Mr. Hastings's language to the Rohillas was this, 'If you do not pay this sum of money, be ye exterminated.' An honourable gentleman complains, that an appeal has been made to his passions. It is true, it is an appeal to the passions; this simple expression is an appeal, the strongest that ever was made to the feelings of mankind—it is one of those subjects which eloquence cannot heighten, and the force of which words can only diminish. If a sum of money was due by any one country to another with which we were in alliance; if that sum was demanded, and refused to be paid, we might join our ally in arms; but we should not rush blindly into war; we should weigh its policy; balance the advantage to be gained; and, at any rate, we should follow it no further than procuring the payment of the sum, and the expense of enforcing it.

"The noble lord was pleased to say, that Mr. Hastings was obliged to join in arms with Sujah-ul-Dowlah, and having joined him with his troops, he had no more control over them: but this was by no means the line of his proper conduct. If Mr. Hastings thought it right to grant an aid of troops to Sujah-ul-Dowlah, it ought to have been only for the purpose of enabling him to recover this sum of money; but he ought not to have suffered him to carry his resentment to the Rohillas any further; and even to enter into an offensive war for this purpose, would have been contrary to his orders, and what the object would not have been equal to. Had Mr. Hastings said to himself, 'I will procure this money for Sujah-ul-Dowlah, as the guarantee of the treaty; as the director of the English forces, and the president of the company's servants, I feel myself bound to see that the stipulation is fulfilled—*Fiat justitia, ruat cœlum.* I am determined to risk everything to maintain the claim of Sujah-ul-Dowlah; let the policy and displeasure of the company yield to the necessity of maintaining our faith:' his conduct might have left room for an apology; but this is not his language. What does he say? He says, Give it to me; I must have this sum. And he thinks fit to represent to him what the orders of the company were, in order to enhance the merit of joining his forces with him, and to induce him to be more ready to let him have these forty lacs. Besides, the Rohilla country was always esteemed a barrier against the Mahrattas, and they were at that time preparing to go to war against that nation. The security, therefore, of the company's territories required that they should rather be defended than expelled; that they should be rather protected than wantonly attacked and destroyed.

"It is in every respect a clear point, that Sujah-ul-Dowlah had no claim upon you for your assistance, whether there was a guarantee, or whether there was no such connexion existing. The attestation of any treaty—and Sir Robert Barker's signature was no more—can never be considered as a guarantee. As well might the signature of Mr. Oswald and Mr. Franklin, to the treaty of the last peace, be considered as a guarantee that this country and America should perform the conditions they separately agreed upon with France. I think it must be equally convincing to all who attend to the true state of this business, that if there was a guarantee, it only tended to increase the criminality of this conduct. There are the orders of the company against all offensive alliances; and there is the security of the country depending upon the strict compliance with these orders. No one can doubt that the orders of the company are clear, and that the disobedience of these orders is as clear.

"With regard to the justice of the war, it is impossible, in my opinion, that any human mind can feel that it is not highly unjust in every respect, and in the most extensive degree. No principle that could tend to justify it was ever defended until this period—and that, too, in a British House of Commons! Much difference has arisen about the policy of restricting servants in Asia from entering into offensive war. I must own, that I am, on that subject, entirely of the opinion of the directors. I think that the reputation of equity and moderation is so necessary to the preservation of our possessions in India, that if the rich dominions of the Rohillas had been annexed to our territory, the acquisition could not have made up for the loss of character we have sustained. I think nothing that was possible to be proposed could make up for it. The principle upon which Mr. Hastings acted was horrible; it was the principle upon which the most insignificant mercenary states form their measures of acting. What a principle for a great nation—for the English nation! It was no less than this in the most express terms—you must pay me, and I will exterminate them. This was the language held by the man who was entrusted with the government of the greatest territory belonging to the British empire, or perhaps to any empire: Give me the forty lacs of rupees, and I will break through the orders I have received from my masters, and you shall make use of their army to exterminate the Rohillas, and take possession of their country.

"But behold what follows. In the year 1782 he is accused of partiality to Sujah-ul-Dowlah; his reply is ready, he makes the company participators in the crime, and, by pretending their advantage, endeavours to evade the punishment due to such behaviour. I did not, says he, mean to serve Sujah-ul-Dowlah; I made this engagement to serve you, by bringing to your treasury a sum of money, and drawing him nearer the frontiers of the Mahrattas; so that by his dread of them, he may be more dependent upon you. The whole and every part of this transaction forms a picture of so sad and crooked a policy, that it is infinitely detestable.

"But this was not only a war merely of contention for victory; it was carried on with circumstances of the most atrocious cruelty. But that I may not seem to exaggerate what in itself needs no exaggeration, I shall beg leave to read to you the letters of Colonel Champion, complaining of this behaviour." Mr. Fox here read the following letters:—

Letter from Colonel Champion to Mr. Hastings, dated Bissouly,
10th of March, 1774.

"Dear Sir,—I have the pleasure to send you a short address for the board, requesting permission to repair to the Presidency; and I beg you will not fail to present it as soon as credible accounts shall arrive of any officers being on the way to Bengal, to take the command of the army. Not only do I wish to get down as soon as possible, to put my little affairs in the best order for my return to Europe, but I must be candid enough to unbosom myself to you, and confess, that the nature of the service, and the terms on which I have been employed this campaign, have been inexpressibly disagreeable. The authority given to the Vizier over our army, has totally absorbed that degree of consequence due to my station. My hands have been tied up from giving protection or asylum to the miserable. I have a deaf ear to the lamentable cries of the widow and fatherless, and shut my eyes against a wanton display of violence and oppression, of inhumanity and cruelty. The company's interest constrained me in public to stifle the workings of my feelings, but I must give them vent in private. Though we had no active part in these base proceedings, yet it is well known that the success of our arms gave him the power of committing these enormities, and I much fear that our being even silent spectators of such deeds will redound to the dishonour of our nation, and impress all Hindostan with the most unfavourable opinion of our government. As matters are now, I know of no remedy that would so effectually re-establish our character for justice and clemency, as your taking the family of Hafez* under the wings of your mercy and protection, and influencing the Nabob to make provision for them, in some degree suitable to their birth. It would affect your sensibility too much, were I to descend to particulars; let it suffice, that the Nabob, Mahibbit Cawn, the eldest son, and the rest of the family of Hafez, who are under close confinement (the Begums and other women included), have been driven to the necessity of making private applications for a little rice and water. I wish, my friend, to leave scenes, which none, but the merciless Sujah, can bear, without heart-bleeding pain. Relieve me, therefore, as soon as possible, and oblige, dear Sir, &c., A. CHAMPION."

Extract of a letter from Colonel Champion, dated Camp, 12th of June, 1774.

" In compliance with the Board's desire, I am now to mention a very unpleasing subject, the Vizier's treatment of the family of Hafez Rhamet, &c. The inhumanity and dishonour with which Mihebullah Khan, his brother Fittiullah Khan, late proprietors of this city and country, and their families, have been used, is known all over these parts; a relation of them would swell this letter to an immense size, and withal prove very disagreeable reading. I send you translations of two letters, and a copy of a third, which, affecting as they are, will convey but a faint idea of the treatment these unhappy people have met with. I could not help compassionating such unparalleled misery; and my requests to the Vizier to show mercy were frequent, but as fruitless as were the advices which I almost hourly gave him regarding the destruction of the villages, with respect to which I am now constrained to declare, that although he always promised as fairly as I could wish, yet he did not observe one of them, nor cease to overspread the country with flames, till three days after the fate of Hafez Rhamet was decided; but, Gentlemen, as in all points, excepting such as immediately respect the operations of the field, he is solely empowered to prescribe, the reputation of the British name is in his hands, and the line which has been laid down for me is very clear."

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* One of the Rohilla Chiefs killed in the war.

Translation of a letter from a wife of the late Hafez Rhamet Khan to Colonel Champion.

"The English Gentlemen, renowned through Hindostan for justice, equity, and compassionating the miserable. Hafez Rhamet Khan for forty years governed this country, and the very beasts of the forest trembled at his bravery. The will of God is resistless; he is slain, and to his children not an atom remains, but they are cast from their habitations, naked, exposed to the winds, the heat, and the burning sand, and perishing for want even of rice and water. How shall I either write or state my condition? My sighs dry my ink and scorch my paper. It is evident as the sun the English are brave and merciful, and whomsoever they subdue, their children they preserve, who forget their sorrows by the kind treatment they receive; nor draw they the sword in an unjust cause. Yesterday I was mistress of an hundred thousand people; to-day I am in want even of a cup of water; and where I commanded, I am a prisoner. Fortune is fickle—she raises the humble, and lowers the exalted: but I am innocent, and if any one is guilty, it is Hafez. But why should the innocent be punished for the errors of their father? I am taken like a beast in a snare, without resting-place by night, or shade by day. From you, Sir, I hope justice and compassion; for I am as a bird confined in a cage: 'tis better to give up life by the dagger, than famish thus by hunger and thirst. You, I hope, Sir, will reflect on my state, or my misfortunes will be doubled; I have nothing left. Pardon this paper."

Extract of a letter from Colonel Champion, dated June 15th, 1774.

"I am most heartily disposed to believe that the board could not have suspected their orders would have had such consequences as have fallen out; they could not have foreseen so sudden and so total an expulsion and downfal of a whole race of people; they could not have supposed that a man, exalted and supported by the British arms, would have paid so little deference to the advice and counsel of a British commander; nor was it possible to conceive that a man who himself had tasted the gall of misfortune, should be so totally unmindful of the unbounded and unparalleled grace shown to him, as to delight in denying a single ray of benevolence to others. Such, however, has been the case; and in this intimation of it, I have discharged that which was incumbent upon me. I, too, can say that the Nabob, as an agent of oppression, is alone culpable; but whilst all Asia well knows that the English gave him the rod, and whilst they in vain look up to them as those who ought, if not to direct its application, at least prevent an ill use being made of that rod; will they not conclude that the scourges which the agent gives are connived at? Will they not say every English chief is a Sujah?"

Extract of a letter to the Governor-general and council, dated 30th of Jan. 1775.

"Consider, my friend," says his excellency the Vizier, repeatedly to Mr. Hastings, "that it was my absolute determination to extirpate the Rohillas, and that I requested the assistance of the English for that purpose."

"However well it is known," continued Mr. Fox, "that his excellency is equal to the barbarous design for which he thus publicly and daringly avows that he solicited the aid of the English, is it possible we can believe, that the respectable gentleman here traduced could have been privy to so horrid a purpose? Could he have so entirely overcome the feelings of humanity? Could he have been so lost to every sense of honour, as to prostitute the English troops, and to stain the glory of the British name, by subscribing to a preconcerted massacre? What is not his excellency capable of advancing?

"But with regard to all this, the noble lord (Mornington) says, he considers Mr. Hastings as not at all blamable; that he did all that was in his power to prevent Sujah-ul-Dowlah from behaving with cruelty; but that he could not turn his face against a prince whom he had engaged to assist. Why did he not? The principles of humanity and equity are paramount to all treaties and all ties. He ought to have made use of his power to prevent the violation of the sacred obligations of humanity. Sujah-ul-Dowlah and his troops were nothing. It was easily in the power of our people to have put an entire end to, and to have prevented, the ravage they made among the Rohillas. Whatever are your engagements with any ally, you must never forget the rights of mercy and humanity; and when you find those who are with you unwilling to act their part, you ought to prevent them from making a bad use of the rod you have put into their hands. It is a greater motive for opposing their violence, that you have contributed to put it in their power to abuse victory. But at all times, and on every occasion, you are obliged to do all that it is possible for you to do, to prevent cruelty.

"I refer not to Puffendorf and Grotius; every man who has the feelings of a man is capable of judging. Does it require any investigation of minute relations in points of justice and equity, to decide that you ought to put a stop to cruelty and barbarity whenever it is in your power so to do? These cruelties are not, indeed, chargeable on Mr. Hastings personally; but when I state, that he levied an unjust war, the consequences that follow he is guilty of: with all the mischief occasioned by these means he is chargeable. In the prosecution of a war founded on justice, it cannot be said, that we draw upon ourselves the guilt of all the evils that may happen; but it is far otherwise in an unjust war. Having departed from rectitude and justice in the outset, every further deviation, even without our immediate act, is additional guilt heaped upon our heads.

"But it has been said, that Mr. Hastings is not liable to be charged with it, as he was at a distance, and could not remedy the evil. Neither is this a true representation: Mr. Hastings had intelligence of the cruelties that were practised, and he did not take the means to put a stop to them, which were entirely in his power: he even refused, at the requisition of Colonel Champion, to give relief to the severities which were suffered by that unhappy people; and the reason he gives is, that Sujah-ul-Dowlah, if they were to control him, might make that a pretence of refusing the stipulated sum no had agreed to pay. The whole transaction, from beginning to end, was carried on for the purpose of acquiring these forty lacs of rupees; for that sum, the character, the dignity, the honour of the English nation were basely and treacherously exposed to sale.

"I think I have now gone over the four principal features of this business, in a manner, indeed, very desultory, owing to the time of the night at which I speak, and which makes me desirous to hasten through the business as soon as possible. The four principal matters to which I wish to draw your attention are,—first, the direct disobedience by Mr. Hastings of the orders of his masters, approved by himself, and perfectly well understood by him; secondly, I have endeavoured to prove to you, that the war was entered into, on our part, without any kind of obligation upon us so to do; thirdly, I have spoken to the justice; and last of all, to the policy of this war. In all these I think I have demonstrated, that there is not a shadow of ground to stand upon in defence of Mr. Hastings. His orders are clear, and his disobedience of those orders equally clear.

"I think I have made it also obvious to the conviction of every one, that Mr. Hastings was under no obligation to give the assistance to Sujah-ul-Dowlah that he did give; that there was no claim upon us in any respect of the matter; and that it was understood in this light by Sujah-ul-Dowlah, by Mr. Hastings, and by the council. I have also endeavoured to prove, that the action was most unjust, cruel, and inhuman, in Sujah-ul-Dowlah, and still more so in us; because it was in our power to prevent it. By our countenance it was accomplished; and the whole iniquity of the ruin of these people falls upon this nation. I have lastly spoken to the policy of it; and I hope neither its policy nor justice will ever be defended by this House. It was no other than a mercenary bargain, for a sum of money to destroy a people against whom we had no ground for complaint. What an example to future governors, should this action have the sanction or the approbation of this House! I have not enlarged upon the cruelties in the execution of this business; the business itself speaks enough to your passions; and it ought to speak to your passions. Vengeance is due to the injured Rohillas. It is due to the character of this country, stained and violated in so gross a manner. It is due to the honour, the dignity, and the justice of this House.

"Against all these principles is set up the personal character of Mr.

Hastings. I am far from being desirous of detracting from the character of any man. I wish to think well of every man; and am willing to believe Mr. Hastings possesses very good qualities; but, when I am told that he is all mildness and humanity, even to womanish tenderness, I must hesitate. If the Begum and the other women, in favour of whom Colonel Champion entreated Mr. Hastings in vain, had been told that the man who had it in his power by a word to relieve them from the distress and dishonour which they suffered, and who turned a deaf ear to their miseries, was a man possessed of the tenderest feelings of humanity, would they not have held up their hands, and possessed minds full of wonder and surprise? It seems indeed impossible, that a man whose heart was not uncommonly hardened, could have acted the part in this matter which was acted by Mr. Hastings.

" In this corner of the world, happily for us, we see few atrocious acts of cruelty, and are strangers to that fierceness of temper and unfeeling disposition which prevail very much in other quarters of the globe. The people we converse with are in general mild and humane; and have an external politeness and softness of manner, which we suppose to be the natural effect of these qualities: and wherever we meet with that external appearance in any man, we are apt to persuade ourselves that he is possessed of these virtues; but, in fact, they have no natural connexion in themselves; and we often find that those who are of an insinuating, soft, and engaging manner, conceal more cruelty and inveterate hatred in their tempers, and have less of real sensibility for the distresses of others, than men of a very different external appearance: men whose manner appears full of warmth and passion, have generally more real tenderness and humanity than others who are calm, cool, and collected in their behaviour.

" But how ought the character of Mr. Hastings to be tried? We cannot judge of it from what any persons in India can tell of him. There is, in my opinion, a much more certain mode of judging—from his despotism in India. Uncontrolled power always corrupts the heart, renders a man hardened to the distresses of others, and destroys the finer feelings of the mind. No man has ever been able to enjoy great power without being made worse by it; but the true mode of judging of any man's character is by his actions, and the effect of his actions. I read Mr. Hastings's character in the ruin of Hindostan, in the desolation of the country of the Rohillas; these mark a character extremely different from the accounts presented to us by partiality, or particular habit. If Mr. Hastings had possessed the feeling which it is alleged he does, would he not have reflected before he committed an army, powerful enough to do any mischief, under the direction of such a prince as Sujah-ul-Dowlah; whose cruel and perfidious disposition was sufficiently known to him?

" It is said, you are not to consult the character of the princes with whom you are engaged. But you ought to consult them so far as to know the length to which you can put confidence in them; and knowing the character of Sujah-ul-Dowlah, Mr. Hastings undoubtedly deserved much blame for suffering him to possess so great an authority over the British troops; and he ought most certainly to have given the strictest orders to prevent his exercising any cruelty over the inhabitants of that devoted country, which he had suffered them to attack. But, on the contrary, we find Mr. Hastings exciting Sujah-ul-Dowlah to the full accomplishment of his purposes, and afterwards giving up the devoted Rohillas to the will of this tyrant.

"In every light in which I can view this war, it appears to me equally indefensible, equally disgraceful to the character of this nation. I think it leads to every thing that is bad; and if the principle of this transaction should be approved of by this House, the governors of India will have little restraint upon their actions, and certainly will believe it unnecessary to observe any other laws than those which rapacity and violence may dictate.

"An honourable gentleman was pleased to blame my right honourable friend for charging Mr. Hastings with a transaction which passed so many years previous to this period; but he ought to recollect, that this is not the first time the Rohilla war has been condemned, and that severely too. We have upon the journals of the House a specific resolution against the Rohilla war, censuring it in as severe terms as can be made use of, framed and passed on the motion of the learned gentleman (Mr. Dundas) who is desirous of treating all that system which he had so strenuously maintained at a former period, as a mere chimera. For it is not this resolution alone, but that whole plan, that code of laws esteemed so necessary to the government of India, which is wholly overturned by the approbation of this transaction; they must remain so much dead letter; a monument of the zeal of their author, who now has abandoned what he once so eagerly contended for, and has displayed an example of inconsistency scarcely equalled in the political history of this country. If the resolutions which the learned gentleman brought forward had any meaning—if they were to be taken in their obvious sense—in the sense in which they were understood by all at the time of their being brought forward—they certainly amounted to a full and total reprobation of the measures carried on in India by the Governor-General, Mr. Hastings: they pointed out the necessity of a change in the whole of the mode of administering our affairs in that part of the world, and by having been adopted by this House, we have become pledged to see them put in execution. This is the first opportunity we have had of showing our determination to enforce them; and if this is omitted, it will be justly considered as an entire relinquishment of the plan of moderation and equity we thought so necessary at that time to establish.

"What colouring the learned gentleman can possibly give to his behaviour, it is impossible to conjecture. After having so solemnly bound himself to carry on this inquiry, to evade it in the manner he has done is too shameful to admit of apology. Can he assert that he did not mean that Mr. Hastings should be charged with the crimes he has imputed to him? Did he intend to calumniate him in his absence, and when Mr. Hastings had an opportunity of defending himself, to shrink from the accusation, and leaving the stigma which he had thrown upon that gentleman to remain, to refuse to give him an opportunity of vindicating his innocence?

"Where would be the injury to Mr. Hastings, of sending up an impeachment against him? Where is the danger? In that assembly, where all the law, the religion, and the justice of this country is collected, it is impossible any injury can be suffered. A fair and equitable trial of the business must take place, and the culprit have it in his power to vindicate himself from the charges which have been made against him.

"These resolutions brought up by the honourable gentleman, undoubtedly were intended to be a pledge that a charge would be made against all who had disobeyed them, and that it would be carried into effect by this House of Commons. There are only three modes by which any man can be charged by this House:* two of them are disapproved of; why should not the remaining one have its fair operation? But it is said, there should be some fixed marks of parliamentary disgrace upon Mr. Hastings; it is too much to impeach him. But how is this to be done, without inquiring into the crimes of which he is accused, and passing some opinion with regard to them? Would you condemn him without suffering him to be heard at the proper bar? It is true, an impeachment by the Commons of England is a charge of great solemnity, and much weight; yet it is no condemnation. The House possesses no judicial sentence; it only, in this instance, follows up what is laid down as the rule to which it was to adhere, with regard to our servants in India. But to-night we pass no resolution of impeachment—we decide only upon the crime; the former must be left to an after consideration of the whole, not any particular part of his measures.

"Let the whole of the conduct of Mr. Hastings be met fully, and without evasion; let it be examined with firmness, and with a determined purpose of asserting the principles of moderation and equity we have held out to the world, and upon the maintaining of which, the stability of our footing in India must undoubtedly exist. If our views of administering government in India are changed; if we believe that those resolutions which were framed with an unanimity not always to be expected, and at that time very uncommon in this House, were not founded in good policy, nor in justice; let us declare it to the world. I call upon the learned gentleman to whose labours we are so much indebted, and to whose exertions we owe all that system this House has pledged itself to establish, to come forward, and, with manliness and spirit, move that they be erased from the journals of this House. Why do they remain enrolled an evidence of the impotence or of the folly of those who ought to be the guardians of the justice of the nation?

"But the right honourable gentleman says, he intended only that Mr. Hastings should be recalled. He determines, in May 1782, that Mr. Hastings should be recalled—Mr. Hastings did not arrive in England until 1785. The right honourable gentleman was no short time in office before the recall was thought of; time for reflection had been gained, and he found that he had been too zealous. But he had proceeded too far to retreat; he therefore at length determined to recall Mr. Hastings, and he did recall him—with thanks, with approbation, and with every mark of favour and protection that a minister could bestow. Is this the effect of the boasted reformation in India? Is this the earnest of the new system of Eastern government, which was to produce so much happiness and prosperity in that part of the world? Is this an example of the boasted determination of ministers to punish Asiatic crimes?

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* First, by directing the Attorney-General to prosecute; secondly, by bill of pains and penalties; and thirdly, by impeachment.

"An honourable gentleman (Mr. Grenville) has been pleased to speak of the bill which I brought into this House, with regard to that part of our dominions, with some severity, and has described it as a bill that will be long remembered in this country. I hope it will not soon be forgotten. It may be thought that on this point I feel sore. I own I do not think it wise on their part, to mention this matter now: no part of that business can redound much to their honour. The bill which they have framed, has been renewed and amended, until it scarcely bears the resemblance of the original form. I do not wish to call up this subject, but I know what I owe to myself. I must take this opportunity to declare, that the bill to which the honourable gentleman alludes, I esteem the most important measure of my life. The principle on which it was built, I am satisfied, is that alone which is capable of maintaining order, and preventing abuse in the government of those distant territories. Long had I resolved in my own mind the plan of which I am now speaking; and when I came into office, I did not feel easy until I had attempted to bring into existence what I held so essential to the right administration of our government in that part of the world; and until I should accomplish it, I felt I had not done justice to India.

"An honourable gentleman (Mr. Jenkinson) has thought proper to arrogate merit to himself, in having rendered abortive the system which I proposed, and has been pleased to boast of his influence in contributing towards its overthrow. It is, indeed, an influence which you have all felt; it is a rod which has severely chastised this country; which has brought it to the brink of ruin; enclosing all things in concealment and disguise, it still continues to spread its baneful effects over the measures of the government of this nation. But long as this has been suspected, persevering and forcible as has been its action, never until this day has its existence been avowed, and made a subject of undissembled boasting. The honourable gentleman, indeed, is right to make himself formidable by something. He possesses knowledge and industry; but if his influence was not more powerful than his argument and his consequence in this House, and in this country, it would speedily find its own destruction, and be reduced, like them, to less than nothing.

"But how much soever the honourable gentleman may make a triumph of his power in the instance to which I allude, I can assure him I feel myself very little personally affected by it; and I do declare that unless I had been able to accomplish the great point to which I had bent all my thoughts, I would not have remained one day in office. Had I accomplished it, I would not have left India in that forlorn state, in which I think it is now left, abandoned to the management of men incessantly driven from one object to another; appearing determined now, and again deserting their ground; and every thing at last failing them, they have been forced to rest all their hopes upon the virtues of a single man. I will venture to foretell, that this measure will be found as little effectual for the purposes wanted in India, as the other schemes they have held up to deceive the public.

"Perpetual, constant, strict responsibility to this House, is the only way in which it is possible to govern, with justice and with effect, these distant possessions. It is in this way only we shall be able, and it is upon these conditions alone that we have a right, to preserve them. It was on these principles that I founded my bill; and I am still confident they are the only principles that can impart stability and rectitude to that part of the administration of the empire. I know that the measure was by some persons loudly execrated and condemned; but I take this opportunity of declaring that whatever others may think of it, my opinion is only more and more confirmed of its propriety and necessity. The principle of that bill it is my ambition to have considered as the object which, above all others, I think the most necessary for this country to attain. Those who opposed it have passed another, different in form, and founded on very different maxims. What have they done? They have passed one bill one year, another bill another year; and we see them driven about from one principle to another, until they scarcely themselves know upon what they are proceeding.

"The whole government of India rests upon responsibility. This is the grand object to which our attention should be directed. And let me ask, How is this to be effected? If, in every instance, and at every point of time, you have not the means of enforcing this principle, it is not possible the government of this country can be preserved in its purity in the East. You have no other hold of the people whom you send out to that part of the world, than by placing them in such a situation, that every thing they do is to be canvassed and inquired into, and, if criminal, punished with severity. If you lose sight of this for a moment, your power over that country is gone. If a bad act is committed, what can you do? You threaten, and you recall; you appoint committees, and you prepare all the apparatus of punishment. This consumes time; and with regard to that part of the world, thirteen months are thirteen years. Before you can bring this man before you, something may happen that will be a set-off, and the whole may at once vanish away. The inquiry will be silenced, and affairs go on in the same wretched train in which they hitherto have been conducted.

"People are greatly mistaken if they imagine there can be the responsibility in India that there is here, and by similar means. In this country facts can be got at with ease; the conduct of men is under the public eye, and if they betray the trust reposed in them, it is possible to come at the means of detecting their guilt. But how are you to procure evidence of crimes committed in so distant a country? The time necessary for such a purpose would suffer any mischief to be carried on, perhaps to the total ruin of our possessions.

"I would have strict, literal, and absolute obedience to orders, in all those whom I entrusted with the administration of government in that country; that we might know the ground upon which we were treading, and be able to form some judgment of the real state of our affairs in that part of our possessions. This House has already passed certain resolutions, and has pledged itself to see them put in execution; an opportunity is now presented, the matter is now in issue, and if it is suffered to fall to the ground without a spirited and a firm examination, all inquiry may sleep for ever, and every idea of punishment be buried in oblivion.

"This is, as I have said before, a matter of the utmost importance, and one which admits not of delay. If these principles are founded in truth, justice, and good policy, it is incumbent on you to lose no time to bring them into effect; and, by a striking example, to convince the world that the principles of equity and moderation, which you have held out, were not intended to deceive; and that you did not begin the work of reformation without being determined to carry it on until it should have its full effect, by restoring happiness, and preventing oppression throughout our dominions in Asia.

"I have thought it proper, Sir, to show the House that my opinion is not altered, and to declare that I do not see any thing hitherto done which is in any respect likely to place our affairs in that quarter upon a stable and prosperous basis. Deeming, as I do, the affairs of India to be weighty to the last degree, I trust I need make no apology for endeavouring to impress upon the House the only mode of governing these possessions that I am confident can ever be attended with success, namely, that of responsibility to this House. With this principle the present inquiry is most intimately connected. If you suffer it to be evaded, an abandonment of all control over your people in India must undoubtedly follow. Mankind will always form their judgments by effects; and observing that this man, who has been the culprit of this nation, and of this House, for a series of years, is absolved, without a regular trial of his crimes, they will easily conclude, that another may find the same mode of coming at protection, and that fear of punishment need not, at any time, interrupt the pursuit of gain.

"I would again, Sir, before I sit down, shortly revert to the matter immediately before us. The principles of morals are to be drawn from books, and from the tongues of men, not from their actions. The fact is, indeed, too true, that men have in all ages been little governed in their actions by equity and justice; but seldom has it happened, that they have openly avowed that they have not been directed in their conduct by rules so generally established as the foundation of all intercourse among mankind. The war against the Rohillas carries with it so great an abandonment of all the great leading principles of morality, that it is astonishing that any man can attempt to defend it. We should reflect that our character is at stake—and, undoubtedly, we should preserve that fair and unsullied. It is natural to trust in a fair character; and when that is lost, all confidence is carried with it.

"We should consider that Mr. Hastings himself does this. He acts upon the character of nations: he states the character of the Rohillas as a reason for their being exterminated. If we were to go on this principle, and exterminate every nation of that description, we should soon leave the face of the earth thinly inhabited; and I am afraid our own country would not be able to stand up with much confidence in defence of its own character, if it should give its assent to such barbarous doctrines. But there was nothing in the character of the Rohillas to excite the indignation, or draw down the resentment, of any nation, much less of Great Britain. They were a brave people, and, what is singular, the only free people in India. They governed the country of which they were possessed with a mildness of which its very flourishing condition, so as to be called the garden of Hindostan, is an undeniable proof; they were endowed with all those national virtues which Britons have been accustomed to admire, and which form a strong chain of connexion between countries which enjoy the blessings of liberty. Ought not such a people to have met with sympathy and regard in the feelings of this nation? Ought not a cause such as theirs to have interested a British bosom? To mark out such a people as the objects of avarice, as the victims of unprovoked resentment, or to abandon them to the rod of tyranny and oppression—what conduct could be more derogatory to the character of a nation which enjoys the influence of liberty? What mode of procedure could be more disgraceful to the honour and humanity of the British name?

"An honourable gentleman (Mr. Grenville) has spoken of the religion and tenets of the Rohillas as an argument for their destruction. I think he said, they were of some particular sect of Musselmen, the sect of Omar, and different from Hindoos, the original inhabitants of the country. Men, Sir, have been persecuted on account of their religion; but that an argument of this kind should be made use of at this time of day, to palliate the crime of exterminating a nation, is a matter I do not understand. Of what consequence is it to the question of the justness of the war, whether their tenets or their practice differ from those around them? I am, indeed, sorry to hear such doctrine as the justness of this war defended by a young man, who, from his situation in office, gives us reason to dread that on principles like these, the new government in India is to be established.

"The whole of this business is now before you. You are now to decide; and I call upon you to reflect, that the character, the honour, and the prosperity, of this nation depends on your decision. I have appealed to what is called the passions, that is, the indignation of mankind against enormous guilt, against violence and oppression. It has been my opinion, that we ought in this manner always to feel with regard to Indian delinquents. The people of Hindostan have a claim upon our protection, upon our pity, and their distresses call loudly for vengeance upon their oppressors. Sixty thousand Rohillas driven, like a herd of deer, across the Ganges from their houses and from their lands, to perish through want of subsistence, or depend on the precarious bounty of nations with whom they had no connexion! These circumstances excite you to take vengeance on those who have abused your authority, and tyrannized over them. The Begum and other women, and the princes of that wretched nation, who, in vain, pleaded for relief from the hands of your servants, call upon you to vindicate your own character, and to let the guilt fall upon those who have deserved it.

"We ought, it is said, to be counsel for the prisoner. If a man is not able to plead his own cause, it is right to allow him every indulgence, and to put it in his power to bring forward a fair state of the circumstances of his case. Truth is the object which we wish to grasp, and every mode of bringing that before us is to be attended to. My duty is, when I find great crimes, to state them, and that not merely on my own authority, but from the accounts of those who were eye-witnesses. It is our duty to bring a culprit to justice. Mr. Hastings is the culprit of the nation. He has infringed our orders, and we have bound ourselves to call him to account. Whatever may be his services, they cannot be pleaded here: they never can be considered as preventing his offences from being inquired into: if he is guilty, he ought to suffer the punishment due to them.

"My right honourable friend has brought forward his accusations openly and boldly. He did not basely slander Mr. Hastings, when he was not present, and then meanly hide himself behind some pitiful evasion; but he has come forward with his charges to his face, and given him a fair opportunity of clearing his innocence to the world. Mr. Hastings has declared his wish to meet it. Why, then, will you not suffer it to take its regular course? I say again, Where is the danger? Where the injury? Nothing but good can result from it to your government in India. Lord Cornwallis has been just sent out, with powers greater than were ever entrusted to any governor. By what rule is he to frame his conduct? Are those which have been laid down, and are now disapproved of by this House, to regulate it? Or is he to govern himself by the example of Mr. Hastings, of whose management this House must, if they acquit him on this business, be supposed to approve?

"My right honourable friend has singled out this transaction, because it has two features, which strongly mark the political conduct of Mr. Hastings; contempt of the orders of his superiors, and an entire disregard of all principles of justice, moderation, and equity. These pervade all his actions, the whole system of his conduct, and appear to have taken entire possession of his mind. This transaction with Sujah-ul-Dowlah, and this war against the Rohillas, will give you an idea of his character much better than any words can display it. These two characters are alleged to be contained in this charge which is brought against him. It remains for you to decide. And allow me again to entreat you to remember that you are not pronouncing merely on the merits of an individual, but you are laying down a system of conduct for all future governors in India. The point is at issue. Your decision is most serious and important! I pray to Heaven it may be such as will do you honour!"

At half-past seven in the morning the motion was negatived by a majority of 52; the numbers being 119 to 67.

KING'S ILLNESS*—REGENCY QUESTION.

1788. *December 10th.* The late Session was prorogued on the 11th of July, 1788. Before its close, the health of the King had become visibly impaired; and, on the day after the prorogation, his Majesty went to Cheltenham, by the advice of his physicians. Not having derived the expected benefit from the mineral waters of that place, he soon left it, and returned to Windsor, where his disorder took a most unfortunate turn. Symptoms of mental derangement occasionally appeared, and gradually increased, both in frequency and degree, so that, for six or eight weeks, he was unable to hold his usual levees at St. James's; and when, at length, on the 24th of October, he made his appearance at one, his conversation and demeanour were such as to leave no doubt in the minds of those who were present of the nature of his malady. On his return to Windsor after the levee, his disorder assumed a very alarming appearance, and, for some days, his life was in imminent danger. The intelligence of the severity of his indisposition which the *Gazette*, of the 11th of November, announced, spread alarm and consternation through all classes; and those who, from their rank and situation, were called upon to take a part in this new and calamitous exigency, hastened to the capital. An express was despatched to Mr. Fox, who, during the Parliamentary recess, had gone to Italy; and he returned on the 24th of November.

His Majesty's ministers had intended that Parliament should not meet until after Christmas; but as it had been prorogued to the 20th of November, and as the King, from the unabated continuance of his mental disorder, although his life was no longer considered in immediate danger, was incapable of ordering a commission to be issued for a further prorogation, its meeting took place on that day as a matter of course. The ordinary forms of opening a Session could not, indeed, be observed; but the Speaker of the House of Commons, at the request of the members present, took the chair, and several new members were sworn.

Mr. Pitt then stated the cause of Parliament being assembled without the usual summons and speech from the throne, and expressed a hope that the impropriety of their proceeding to the discussion of any public business, under present circumstances, would be readily admitted. He proposed that the House should adjourn for a fortnight; and, at the same time observed that, as it would be indispensably necessary, in case his Majesty's illness should unhappily continue longer than the proposed period of adjournment, that the House should take into immediate consideration what measures were proper to be adopted, in order, as far as they were competent, to endeavour to guard against the danger which might arise from not being able to open the Session in the usual form, so it would be incumbent on them to ensure a full attendance of members, in order to give every possible weight and solemnity to their proceedings. He then moved, " 1. That the House, at its rising, do adjourn to that day fortnight." " 2. That the House be called over on Thursday, the 4th of December next." " 3. That the Speaker be directed to send circular letters requiring the attendance of every member on that day." All which motions were agreed to. Similar motions proposed in the House of Lords, by the Lord-President of the Council,* passed also in that House.

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* See Tomline's Life of Pitt, vol. ii. p. 107 *et seq.*

In order that some authentic information relative to the situation of his Majesty might be obtained, a Privy Council was held at Whitehall, on the 3rd of December, to which all the members, without distinction of party, were summoned. The physicians† who had attended his Majesty during his illness were called before them and sworn; after which three questions, which had been previously debated and agreed to by the Council, were put to each of them. The first was, " Whether his Majesty's indisposition rendered him incapable of meeting his Parliament, and of attending to any sort of public business?" To this they answered, " That certainly he was incapable." The second was, " What is your opinion of the duration of his Majesty's malady, and of the probability of a cure?" To this they answered, " That there was a great probability of his recovery, but that it was impossible to limit the time." The third question was, " Do you give this opinion from the particular symptoms of his Majesty's disorder, or from your experience in complaints of a similar nature?" To this their general answer was, " That it was from experience, and having observed that the majority of those who were afflicted with the same disease had recovered."

On the 4th, the two Houses being assembled, the President of the Council informed the peers that the King, by the continuance of his indisposition, was rendered incapable of meeting his Parliament, and that all the functions of the executive government of the country were thereby suspended. He then declared it to be his opinion that, in this dismembered state of the legislature, the right devolved on the two Houses of Parliament to make such provision for supplying the defect as should be adequate to the necessity of the case; but that it was necessary, before any step could be taken in so delicate a business, that the deficiency should be fully ascertained. With this view he moved, that the Minute of the questions which had been put by the Privy Council to the King's physicians should be read; which being done, the following Monday was appointed for taking it into consideration. A motion to the same effect being made by Mr. Pitt in the House of Commons, Mr. Viner expressed a doubt whether, in a matter of such moment, and which would be attended with such important consequences, it was consistent with the dignity of Parliament to make a report from the Privy Council a groundwork for their proceedings; he was inclined to think that the House ought to order the attendance of his Majesty's physicians, and hear them examined at their bar, before any final measure should be adopted or proposed. Mr. Pitt observed, that nothing could be further from his intention than to preclude the House from pursuing any mode which might be judged most proper for procuring the necessary information. He was, however, of opinion that when gentlemen reflected on the delicacy of the subject in question, they would think they might act upon the report of the Privy Council without any infringement of the dignity of Parliament. He remarked further, that the examination before the Privy Council was taken upon oath, which that House had not power to administer. Mr. Fox concurred in opinion with Mr. Viner; he felt the propriety of acting with all possible delicacy; but if delicacy and their duty should happen to clash, the latter ought not to be sacrificed to the former. A doubt was then expressed by the Speaker whether, during the inefficiency of one branch of the legislature, he was competent to issue writs for new elections. This being determined in the affirmative, the House immediately rose.

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* Earl Camden.

† Dr. Warren, Sir George Baker, Dr. Addington, Sir Lucas Pepys, and Dr. Reynolds.

On Monday, the 8th, Mr. Pitt, after referring to the doubt which had been thrown out by Mr. Viner, relative to the propriety of that House making the report of the Privy Council the groundwork of their proceedings, said, that he (Mr. Pitt) had then spoken on the impulse of the moment; but being anxious that the mode of proceeding should be perfectly satisfactory to the House in general, he proposed "that a committee of twenty-one members be appointed to examine all the physicians who have attended the King during his illness, touching the state of his Majesty's health." This motion was agreed to, and the committee named. A like committee was appointed the same day in the House of Lords; and the members in both were chosen nearly in equal numbers from each side of the House.

The report of the committee being brought up on the 10th, and ordered to be printed, Mr. Pitt moved, "That a committee be appointed to examine the journals of the House, and report precedents of such proceedings as may have been had in cases of the personal exercise of the royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide a remedy for the same." The motion being made,

Mr. Fox having premised that he was happy to feel a coincidence of sentiments with those of the right honourable gentleman in most parts of his speech, added, "that undoubtedly it was their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he, for one, would willingly dispense with the motion then made. If the motion were carried, it must be considered that it was loss of time. What were they going to search for? Not precedents upon their journals, not Parliamentary precedents, but precedents in the history of England. He would be bold to say, nay, they all knew, that the doing so would prove a loss of time, for there existed no precedent whatever that could bear upon the present case. The circumstance to be provided for did not depend upon their deliberations as a

House of Parliament; it rested elsewhere. There was, then, a person in the kingdom different from any other to whom any existing precedents could refer—an heir apparent, of full age and capacity to exercise the royal power. It behoved them, therefore, not to waste a moment unnecessarily, but to proceed with all-becoming speed and all-becoming diligence to restore the sovereign power and the exercise of the royal authority.

"When the unfortunate situation of his Majesty was first made known to that House, by a presentation of the minute of the Privy Council, some gentlemen had expressed a doubt whether the House could make such a paper a ground of Parliamentary proceedings." Mr. Fox reminded the House that "he had gone further, and declared he thought the report of the Privy Council was not an authentic document, nor such as that House could make the ground of its proceedings. That defect had now been remedied, and the House was, in consequence of the regular examination which his Majesty's physicians had undergone before a committee of their own, in possession of the true state of the King's health. That being known to the House, and through them to the nation at large, he contended that it was then, and then only, the precise point of time for the House to decide, and that not a single moment ought to be lost. In his firm opinion, his Royal Highness the Prince of Wales had as clear, as express a right to assume the reins of government, and exercise the power of sovereignty, during the continuance of the illness and incapacity with which it had pleased God to afflict his Majesty, as in the case of his Majesty's having undergone a natural and perfect demise: and, as to this right, which he conceived the Prince of Wales had, he was not himself to judge when he was entitled to exercise it; but the two Houses of Parliament, as the organs of the nation, were alone qualified to pronounce when the Prince ought to take possession of, and exercise, this right. He thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant; and, therefore, under such an idea, he conceived that as short a time as possible ought to intervene between the Prince of Wales's assuming the sovereignty, and the present moment.

"He justified the Prince's not making this his indubitable claim himself, by imputing his desire of waiving the open advancement of it, to his having been bred in those principles which had placed his illustrious house on the throne, and to his known reverence and regard for those principles, as the true fundamentals of our glorious constitution, in the maintenance of which his family had flourished with so much prosperity and happiness, as sovereigns of the British empire. Hence it was, that his Royal Highness chose rather to wait the decision of Parliament, with a patient and due deference to the constitution, than to urge a claim, which, he trusted, a majority of that House, and of the people at large, admitted; and which, he was persuaded, could not be reasonably disputed. But ought he to wait unnecessarily? Ought his Royal Highness to wait while precedents were searched for, when it was known that none that bore upon the case which so nearly concerned him, existed? Take it for granted, the House agreed to the motion, and proceeded by their committee to search for precedents. What precedents did the wording of the motion point to? It spoke in general and indefinite language. Possibly it might mean Parliamentary precedents, referring to such contingencies as the present. If that were its meaning, the words, 'Parliamentary precedents,' ought to have been expressed in it."

Mr. Fox remarked, "that he should not oppose the motion, but he thought it his duty to say, that it was incumbent on the House to lose no time in restoring the third estate. His Royal Highness, he was convinced, must exercise the royal prerogative during, and only during, his Majesty's illness. With regard to the examination of the physicians, he would not take up the time of the House with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might, in the minds of some men, impress one idea, and in the minds of others a very different idea, three points were, he thought, undeniable inferences from the whole of their examinations, in which he had assisted above stairs. These three points formed the result, and must be the *substratum* on which that House would necessarily raise the superstructure, whatever it might be that they should deem it expedient to erect. He took the three points to be these:—1. That his Majesty was incapable of meeting his Parliament, or of attending to business. 2. That there was a great prospect and a strong probability of his recovery. 3. But that with respect to the point of time when that recovery would take place, they were left in absolute doubt and uncertainty.

"Upon this occasion," Mr. Fox said, that "he could not avoid expressing his hopes that the House would agree with him, that these three points formed the true, fair, uncoloured, result of the examination of his Majesty's physicians." He recapitulated the general heads of his speech; and, after repeating "his willingness to accede to every proposition that was consistent with the due solemnity of their proceeding upon so serious an occasion, and declaring that he did not impute any desire to create delay or unnecessarily avoid despatch to the right honourable gentleman who spoke last," added, "that he certainly would not resist the motion, although he had thought it incumbent on him to give his opinion on the subject freely and unreservedly."

Mr. Pitt said, "that the assertion which had been made by Mr. Fox of the Prince's right to assume the government during the present inquiry, was little less than treason against the constitution; and he pledged himself to prove that the heir apparent had no more right, in the case in question, to the exercise of the executive power, than any other subject in the kingdom; and that it belonged entirely to the two remaining branches of the legislature, in behalf of the nation at large, to make such provision for supplying the temporary deficiency as they might think most proper." He added, "that from the mode in which the right honourable gentleman had treated the subject, a new question presented itself, and that of much greater magnitude even than the question originally before them; it was a question of their own rights; and it was become a doubt, whether the House had on this important occasion any deliberative power at all. The motion he had made could, therefore, no longer be called nugatory, but was become absolutely necessary, in order to learn and ascertain their own rights."

Mr. Fox "begged the House would permit him to rise again to explain. The right honourable gentleman had, though he believed unintentionally, misrepresented what he had said; at least, an expression which the right honourable gentleman had used, might, if not explained, have the effect of a misrepresentation, on account of its equivocal meaning. The right honourable gentleman had charged him with something like treason to the constitution, for having asserted that the Prince of Wales had a right from law to the government, which the two Houses could not take away from him: the right honourable gentleman, however, in stating the position, instead of the words, 'the two Houses,' substituted the equivocal word 'Parliament'; it was this word which required explanation. If by Parliament the right honourable gentleman meant the three branches of the Legislature, consisting of King, Lords, and Commons, he would agree with him that such a position would be treasonable; for no doubt the Parliament, in that sense, could alter or limit the succession, or place such restrictions as it pleased upon the exercise of the sovereign power. But if by Parliament he meant the two Houses without the King, then he would be bold to say such a Parliament, if such could be entitled to that name, could not legally deprive the Prince of Wales of the regency during the incapacity of his father, and during that period only, or place any restrictions upon him in the exercise of the sovereign power in the name of his father. So far would it be from being treason in him to assert, 'that the two Houses could alter the succession, or restrain the exercise of the sovereign power,' that if he should be daring enough to support such a proposition, the King's Attorney-General would prosecute him for uttering such a doctrine, and would show that he was open to the penalties of a præmunire for maintaining it.

"Every one knew," he said, "that he was no advocate for the antiquated and exploded doctrine of indefeasible hereditary right; but it had been declared that the Crown of England was not elective. Now, if for the purpose of guarding against the discussion and anarchy of an elective government, the Crown was by law declared to be hereditary, why should it not be inferred from analogy that the exercise of the sovereign power was also hereditary. Such an inference was necessary to give life and spirit to the letter of the law, declaring the hereditary descent of the Crown; and consequently the claim of the Prince of Wales to the right of assuming the government during his father's illness ought to be admitted. Indeed, he was astonished to find any one bold enough to dispute it. Some time ago, the Speaker had, from the chair, expressed his doubts whether, in the present state of affairs, the House had legally the power of ordering writs, even for the purpose of rendering its own representation complete; and yet the right honourable gentleman would contend that it had a right to exercise the highest power—that of vesting, though for a time, sovereign authority in the person of a Regent. In truth, it was matter of serious doubt whether, under the present circumstances, the House to which he was then speaking was really a House of Parliament. Those meetings from which the country had derived the blessings of a free constitution, as settled at the Revolution, knew too well what they were, to call themselves a Parliament; they called themselves by their true name, a Convention, for they were no more, until a third estate was created. And perhaps the two Houses at present might be more truly styled a Convention than a Parliament, until the third estate was restored, by the recognition of the heir apparent's right, the declaration of the two Houses, or even an appointment of a Regency under their authority.

"He had said before that the Prince's right to the Regency was indisputable: he would now go further, and assert that it so belonged of right, during what he would call the civil death of the King—that it could not be more completely or legally his, by the ordinary and natural demise of the Crown. The Prince, therefore, who maintained that right, and yet forebore to assume it, was entitled to the thanks of his country. He was actuated by a respectful regard to the principles that had placed his illustrious family upon the throne; he waited to be informed of the sense of the people before he would assume what no man had a right to take from him, what the law and the constitution had given him a right to take, without waiting for a declaration of either House of Parliament. It was not decent, therefore, to trifle with a Prince, whose conduct was marked with such meritorious forbearance, by instituting an inquiry into precedents that had nothing to do with the case. It was the duty of the two Houses to restore the royal authority, and that immediately; and he denied the right honourable gentleman, acute as he was, to contradict that assertion; but if the two Houses of Parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the constitution, and would be guilty of treason."

Mr. Burke "expressed astonishment at the style and manner in which the right honourable gentleman (Mr. Pitt) had debated the question, which most peculiarly called for temper and moderation. He had burst into a flame; and, with unpardonable violence, had accused others of treason, because they ventured to mention the rights of a member of the royal family. Where was the freedom of debate, where was the privilege of Parliament, if the rights of the Prince of Wales could not be spoken of without subjecting members to a charge of treason by one of the Prince's competitors?" Being called to order for these expressions, he said that "he would repeat and justify his words. The Chancellor of the Exchequer had asserted, that the Prince had no more right to the Regency than any other subject: he was warranted, therefore, in stating that he had described himself as one of the Prince's competitors." Mr. Pitt concluded the conversation with complaining of the indecency of the expression that had been used, and asked, "whether, when Mr. Somers and other great men declared, in the Convention of 1688, that no person had a right to the Crown, independent of the consent of the two Houses of Parliament, it would have been thought either fair or decent for any member to have pronounced them competitors of William the Third?" A committee of twenty-one, of whom nine were members of the Opposition, was then appointed to sit, with the usual powers.

December 12. The report* of the said committee being presented, was ordered to be printed. Mr. Pitt then moved, that the House should on Tuesday next resolve itself into a committee of the whole House, to take into consideration the state of the nation. The question having been put from the chair,

Mr. Fox remarked, "that two particular purposes were his motives for rising on the present occasion; and these he felt it incumbent upon him to lose no time in laying before the House, the more especially as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged, their most serious attention. The first purpose was what he never rose for before, since he had been a member of that House. No member was more indifferent to newspaper paragraphs, reports, and representations, than he was; he scarcely ever looked into any of their accounts of what he said in that House, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the candour of that House, and the recollection of those who heard him, would do him justice. What he then rose to complain of was a very different matter. There had, he said, been representations, or rather misrepresentations, not in newspapers, not in pamphlets, not in coffee-houses, but there had been misrepresentations of what he had said in that House on Wednesday last, publicly made, before a certain august assembly, by a grave person, in high authority, and of dignified rank.† He desired the world to judge him and his opinions, from the sense of those opinions, and his meaning as explained at the time. There were different sorts of misrepresentations; there might be some wilful and intentional misrepresentations; others arising rather from levity, caprice, and wantonness, than mischievous design; and, again, another description of misrepresentations arising from the misconception of honest minds, made by persons who were themselves mistaken, and acted upon that mistake. Under which of these descriptions of misrepresentation he had fallen, he would not take upon him to determine; possibly he might have not expressed his meaning clearly, though he thought he had spoken in a manner so explicit, that no man could misunderstand him; he was sure it arose, not from any contempt of his auditors that he had not rendered himself more intelligible, but merely from the want of power and capacity to convey to their minds what so forcibly impressed his own; be that as it might, what had been understood to be his meaning, or what had been misrepresented to have been his expression and sentiment, when speaking as a member of Parliament, ought not to have been treated as it had been; as if public proceedings, of a grave and solemn nature, ought to be grounded on so unsubstantial a foundation. The first point, from which he must exculpate himself, was, the supposition of having spoken from the authority of any person whatever, much less from the authority of his Royal Highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion as an individual member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had stated and meant to state, was, that from the moment that the two Houses of Parliament declared the King unable to exercise the royal sovereignty, from that moment a right to exercise the royal authority attached to the Prince of Wales. But he must state what that right was that so attached, and he would trust to the recollection of gentlemen whether he had not so explained it, when he had last occasion to speak upon the subject. A new term had been put into his mouth in another place, which he had not used; it had been said that he had declared, 'that the Prince of Wales had a right to assume the royal authority, upon the interruption of its personal exercise, in consequence of the King's illness and incapacity.' What he meant was this: he conceived the exercise of the royal authority to be the right, under such circumstances, of the Prince of Wales; but he had spoken of it as a right, and not the possession. Before the Prince could exercise that right, he must appeal to the court competent to decide whether it belonged to him or not, or must wait till that court, on the part of itself, made such declaration. That court was composed of the two Houses of Parliament, while they were sitting; the Prince had the right, but the adjudication of that right belonged to the two Houses. The more clearly to understand this, it was necessary to explain the precise meaning of the word election, and to contrast it with the term adjudication. That House could legislate and provide such measures as it deemed advisable for the public interest; when they individually gave their votes for such persons whom they thought most fit to represent them in Parliament, they made their election of their representative; but when they sat in a committee above stairs, to try whether A. or B. was entitled to a seat as representative of such or such a borough, they sat as judges, and their report was an adjudication of the right of A. or B. If gentlemen would do him the honour to recollect his manner of treating this subject on the preceding day, they would, he hoped, in justice admit that the meaning which he had now explained, was precisely that which his words, on a former occasion, had been calculated to convey, and that he neither talked of the usurpation of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort, or any thing like it. Let it be recollected where he was speaking, and to whom he was addressing himself—to the House of Commons, one of the constituent parts of the very court that was to make the adjudication of the Prince's right. Let it be recollected, likewise, whether the rest of his argument, both in his speech and his reply, did not go expressly to the nature of the Prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of Parliament declared his Majesty incapable of exercising the royal authority, that was the precise period of time when the Prince's right attached, and when that House ought not to delay in restoring the royal authority. Had he not said, that the same principles that made the Crown hereditary, made the executive power and the government of the country hereditary likewise? Upon that ground it was that he had argued as he had done, and this he conceived to be the nature of the Prince of Wales's right. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge that greater differences of opinion prevailed respecting the right of the Prince of Wales to exercise the royal authority, under the circumstances so often stated, than he could have expected; but, much of that difference of opinion, he found, arose from some nice, logical, and legal distinctions taken between the term right and claim; distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments and principles which he confessed his understanding was too dull to comprehend. One idea which he had learnt was, that several persons admitted that the Prince of Wales had an irresistible claim which the Parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the constitution. To that idea he, for one, had no objection, because he knew no difference between an irresistible claim and an inherent right. In another place, the right of the Prince of Wales had been deeply investigated, and that by inquirers every way equal to the discussion, who all gave their sanction and authority to his opinion. If the Prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as Parliament was sitting, that he thought his royal highness might have sent a message to either, or to both Houses, stating his claim and calling upon them to decide upon it. But, as he had said on a former day, his Royal Highness's forbearance was such, that he would send his claim to neither House of Parliament, but would wait patiently and with due deference, being conscious that the two Houses ought to acknowledge the justice of that claim, and thereby restore the royal authority."

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* For a copy of the report, see Commons Journals, vol. xliv. See also an able article on the Regency Question, in the Edinburgh Review for May 1811.

† The Lord President of the Council, Earl Camden.

Mr. Fox declared, that " he could not help thinking that the conduct of his Royal Highness deserved the commendation he had bestowed on it, and was entitled to universal applause. For his own part he could assert, that he had entertained sanguine hopes that, in the adjustment of a business of so delicate and important a nature, men of every description would have concurred in one leading and essential circumstance, and have allowed, that let there exist what doubt there might of the Prince of Wales's right to exercise the royal authority under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of the government, and with the unlimited exercise of all the regal functions. He had not yet abandoned these hopes altogether. The right honourable gentleman had named an early day for the House to resolve itself into a committee of the whole House, to take into consideration the state of the nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the House ought not to lose any time in restoring the royal authority; but surely it could not prove a matter of indifference whether the House should, or should not, be enabled to know what sort of proposition it was that the right honourable gentleman meant to bring forward on Tuesday next, in order that they might turn it in their minds, and come prepared to discuss it with some knowledge of its propriety and expediency. He wished the right honourable gentleman not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the right honourable gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but what he now suggested, he suggested on grounds of general convenience, devoid of any party consideration whatever. If the right honourable gentleman did not view the proposition that he had made as he did, he could only lament that he did not. He did hope, however, that the right honourable gentleman would not think it unfit to give the House some general outline of what he meant to state to the committee on Tuesday, that gentlemen might not be puzzled with the novelty of the proposition, and embarrassed how to vote. He was inclined to hope, that as to essential points the difference between the right honourable gentleman and himself was extremely minute; an advantage, therefore, would result from a communication of the intended proposition; the opinions of weighty men upon it might be ascertained, and thence it might be seen whether arrangements might not be made to reconcile differences on small points, in order that the question, whatever it might be, might be carried with unanimity. What some conceived a right in the Prince of Wales, others might deem at the disposal of the two Houses of Parliament; but that was a difference of opinion of no material import to the main consideration of the act they were to do, and which they must proceed to do in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived there could be but two regular methods,—one by a declaration, the other by an address, or perhaps both conjointly by the two Houses.

“ He knew not whether the right honourable gentleman was willing to communicate the outline of what he meant to state to the committee next Tuesday; but he had no difficulty to declare unreservedly what his own opinion was upon the subject. His opinion was, that the Prince of Wales ought to be declared Regent, and capable of exercising all the regal powers in the same manner and to the same extent, as they would have been exercised by his Majesty, had his health enabled him to discharge the functions of the sovereign authority. That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the right honourable gentleman's proposition came near his, something ought to be sacrificed to unanimity; and he should be ready to give up, on his part, in proportion as the right honourable gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude by the unanimous consent of the House, than by a majority; yet, if the right honourable gentleman's opinion differed widely from his own—so widely, that there was no chance of reconciling the one to the other—he should be reduced to the necessity of dividing the committee upon it. He declared he should be willing to sacrifice much for the purpose of giving occasion to unanimity, because he thought it, above all things, desirable. In the great point, there could be no difference of opinion. They must all agree that it was, in the first instance, their business to set up something for the regal power; and whom would they set up, but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, his Majesty alone excepted? He urged the right of the Prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable? The field was wide, and his object, then, as it had been in the debate of Wednesday, was to lead the mind to that point upon which gentlemen ought to look. *De qua re agitur* was the matter he wished to ascertain, and with that view, he had called upon the right honourable gentleman to state the outline of the proposition with which he meant to come forward on the ensuing Tuesday. All he wished was, that the House might know what they were to expect, and not come altogether unprepared to meet it, when the proposition should be regularly made. In the beginning of his speech, he had endeavoured to explain a matter, respecting which he had been misrepresented in another place. He hoped he had done it satisfactorily; but if any gentleman entertained a doubt upon any part of what he had said, he should be happy to answer any question on that subject, and to give the fullest explanation in his power."

Mr. Pitt followed Mr. Fox, and after admitting the explanation given by the latter, declared that he was ready to meet him on the ground, upon which, after mature deliberation, he had thought fit to place the question in dispute between them. The right honourable gentleman now asserted, "that the Prince of Wales had a right to exercise the royal authority, under the present circumstances of the country, but that it was a right not in possession, until the Prince could exercise it on, what he called, the adjudication of Parliament. He, on his part, denied that the Prince of Wales had any right whatever, and upon that point the right honourable gentleman and he were still at issue; an issue that, in his opinion, must be decided, before they could proceed one step further in the great and important considerations to be discussed and determined. An expression," he remarked, "had also been used, tending to insinuate that this right of adjudication, under the present or similar circumstances, could only take place upon a supposition of the actual sitting of Parliament; the plain inference from which was, that if Parliament were not sitting, the Prince of Wales could assume the exercise of the regal authority." Mr. Pitt declared, "that he thought the Prince of Wales could, in no one case, assume of right the sovereign power. If there were no Parliament in existence, he granted that the heir apparent, acting in concert with other persons in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the public safety. But, supposing the right of assumption given up altogether, and that the Prince must have the right adjudged by Parliament, he denied that they were acting as judges, as the sentiments of the right honourable gentleman so manifestly intimated. It was subversive of the principles of the constitution to admit that the Prince of Wales might seat himself on the throne, during the life-time of his father; and the intimation of the existence of such a right, as he had remarked on a former occasion, presented a question of greater magnitude and importance, even than the present exigency, and the provision that it necessarily required; a question that involved in it the principles of the constitution, the protection and security of our liberties, and the safety of the State. When the rights and powers of the two Houses were ascertained, it would then become a question, to whom and what portion of the sovereign power should be delegated during his Majesty's illness: upon this point, however decided he might be in his opinion against the whole or any part of the regal power being vested in the Prince of Wales, as a matter of right, in any way in which that right had been explained, he was equally ready to say, that, as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales: that he also thought it most consistent with true constitutional principles, and most for the public convenience, that his Royal Highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council, and with the free choice of his political servants. With regard to the portion of royal authority which ought to be given or withholden, it would be premature, in the present stage of the business, to enter into the particular discussion of it; but he had no objection, even now, to declare in general, that whatever authority was necessary for carrying on the public business with vigour and despatch, and for providing, during this interval, for the safety and interest of the country, ought to be given; but, on the other hand, any authority not necesssary for those purposes, and capable of being, by possibility, employed in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be enabled to resume it into his own hands, ought to be withholden; because, from its being given, more inconvenience might arise to the future interests, both of the people and of the Crown, than any which could arise, in the mean time, from its temporary suspension."

Mr. Fox answered, that he was ready to admit that the right honourable gentleman had nearly stated every point which he had desired, and, indeed, full as much as he either did, or had any right to expect from him, and that with great candour. The right honourable gentleman had taken a distinction between the right of the Prince of Wales while Parliament was sitting and his right while Parliament was not sitting, and had asked, what would have been the Prince's conduct under the latter circumstance? In that case, Mr. Fox said, " He supposed the Prince would have done what the right honourable gentleman had stated might have been done; he would have convened the two Houses of Parliament, and referred to that Convention the consideration of the state of the nation, and expected when they declared the incapacity of the King, that they would also have declared his right to the Regency. Some words had slipped into the right honourable gentleman's speech which seemed to insinuate that he had put the Regency in a point of view very different from that in which he had placed it. The right honourable gentleman had remarked that the House was to decide whether it was a right or a trust. When he (Mr. Fox) had stated that the Prince of Wales had a right to exercise the royal authority, he most undoubtedly meant a right to exercise it as a trust from the people, which Parliament might resume, alter and modify, just as it thought proper. If that trust were abused essentially, the people of England might resume it without the Parliament, as had been done in the case of the Revolution. The Regency was a trust on behalf of the people, for which the Prince was responsible, in like manner as his Majesty and every monarch that ever sat upon the throne were responsible for the due execution of their high office. Sovereignty was a trust depending on the natural liberties of mankind. But his notions on revolution doctrines had been so often stated, and were, he conceived, so well known in that House, that he scarcely supposed it would be imputed to him, that he meant to deny that the Regency was a trust; far from it; he had upon that ground urged the Prince's right to be hereditary, conceiving an hereditary succession the best security to the people for the due discharge and faithful execution of the important trust vested by them in their governors." Mr. Fox took notice of the abstract question of right which the right honourable gentleman had declared he would bring forward in the committee on the state of the nation; and added, " that until he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition which the committee would affirm; it might be a proposition which the committee would neither affirm nor deny, but waive the consideration of. With regard to the steps which the right honourable gentleman had said he would take in the committee, there might be objections offered to his intended mode of proceeding, and he would state what those objections were without arguing upon any of them. The right honourable gentleman had said to whom the powers of the royal authority should be entrusted; and after having resolved that, he had declared that only a portion of those powers should be given. A question might arise between those two steps whether there should be a portion or the whole of the royal authority vested in the Regent." Mr. Fox "considered this in two different points of view—as a question of right, and as a question of expediency. He doubted whether the plan of proceeding step by step could legally be pursued; and whether, allowing for the moment that the Prince of Wales had no right, the two Houses of Parliament could propose an act of legislation. He doubted, also, whether they must not necessarily, in the first instance, set up something for a king, to give his consent to the proposed defalcation of royal authority, whatever it might be. Restoring the royal authority seemed to him to be clearly the first step that must be taken, and he conceived that the two Houses could not bargain with the Regent beforehand for the diminution of regal power. He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity to take; where the portion of power that must be withheld was so little, the stating an abstract proposition was, in his mind, useless; he thought it, therefore, much better to waive it, and for both Houses to convince men by their acts, and not by abstract resolutions. The right honourable gentleman's intentions, he observed, were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, which was to invest his Royal Highness with the whole, not a portion of the royal powers. Both sides of the House were, therefore, sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales Regent or a Parliamentary Regent, and thus give a situation and create a power hitherto unknown to our constitution."

The motion for going into committee on the state of the nation upon Tuesday the 16th was then agreed to; and the examination of the King's physicians before the Privy Council, the report from the committee appointed to examine the said physicians, together with the report of the committee appointed to search for precedents, were ordered to be referred to the said committee. The House then adjourned till Tuesday morning at ten o'clock.

December 16. The House having accordingly resolved itself into a committee of the whole House to take into consideration the state of the nation, Mr. Pitt moved the following resolutions: 1. "That it appears to this committee, That his Majesty is prevented by his present indisposition from coming to his Parliament, and from attending to public business; and that the personal exercise of the royal authority is thereby, for the present, interrupted. 2. That it is the opinion of this committee, That it is the right and duty of the Lords spiritual and temporal and Commons of Great Britain now assembled, and lawfully, fully, and freely, representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to them to require. 3. That it is the opinion of this committee, That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary, that the said Lords spiritual and temporal and Commons of Great Britain, should determine on the means whereby the Royal assent may be given in Parliament to such bill as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name and on the behalf of the King, during the continuance of his Majesty's present indisposition."

The first resolution was voted unanimously. The arguments urged by Mr. Pitt in support of the second resolution were principally drawn from two sources, the precedents contained in the report of the committee, and the acknowledged maxims and spirit of the constitution. Lord North opposed the resolution, and moved, "That the chairman should leave the chair." The original proposition was supported by the Master of the Rolls, Mr. Dundas, the Attorney and Solicitor-General, and Mr. Hardinge, the Solicitor-General to the Queen.

Mr. Fox rose and observed, "that some remarks which had fallen from different speakers, in the course of the debate, compelled him to break silence, although it had not been his intention to have troubled the committee; and, indeed, if he had thought it necessary, after what the House had before heard from him on the subject, to enter into any further justification of his opinion, he was not, from personal indisposition, capable of doing that justice to its defence which he was sure it deserved. Not thinking it necessary to make such a defence, he would treat the question only in a collateral way, and therefore should not have occasion to detain the committee very long, nor was there danger of his injuring that cause which he had engaged in, by any deficiency of reasoning resulting from his present ill state of health. Any man would imagine, from the weakness of the arguments advanced on the other side, that those who had used those arguments wished to provoke him to debate the right of his Royal Highness the Prince of Wales to exercise the sovereign authority during the incapacity of the Sovereign. From the extreme futility of their reasoning, from the glaring absurdity of their inferences, the false premises they had laid down, and the irrelevant and inapplicable precedents which they pretended to rely on, they, perhaps, thought that they held out a temptation so strong, that flesh and blood could not withstand it.

"Could the right honourable the Chancellor of the Exchequer and his friends suppose that the committee would think them serious, in supporting the system they meant to proceed upon in the present exigency, by producing the sort of precedents to which they had referred? What a miserable system must that be, the prominent features of which were so disgraceful! Was the practice of the present times—times so enlightened, and in which the principles of the constitution were so well understood—to be grounded on precedents drawn from so dark and barbarous a period of our history as the reign of Henry the Sixth? And were the rights of that House of Commons, and its proceedings in one of the most difficult moments that had ever occurred, to be maintained and vindicated by the example of the House of Lords, at a time that the rights of the Commons House of Parliament were so ill understood, or so weakly sustained, that its Speaker was actually in prison, on commitment of the House of Lords—in prison upon a judgment in favour of that Duke of York, whose measures Administration had avowed it to be their intention to imitate? Let the committee reflect a moment on the period, the infamous transactions of which were chosen as the model of the proceedings of this day; that period which led immediately to the wars between the houses of York and Lancaster, and was that melancholy era at which all the dismal scenes of anarchy, confusion, civil warfare, and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace and distress, commenced. Were the committee to select their precedents from such times, and to govern their conduct by such examples? From a time, too, when the House of Commons was prostrate at the feet of the House of Lords—when the third estate had lost all energy and vigour, and when the power lay wholly in the hands of the barons. Precedents drawn from such times could not be resorted to with safety, because there was no analogy between the constitution then and the constitution as established at the Revolution, and since practised. All precedents taken from periods preceding the Revolution, must be precedents which bore no analogy to the present case; because, at no one period before the Revolution was civil liberty clearly defined and understood, the rights of the different branches of the Legislature ascertained, and the free spirit of our constitution felt and acknowledged. The early periods of history were such as only showed the changes of hands into which power shifted, as the circumstances of the times ordained. In one reign, the power would be found to have been in the King, and then he was an absolute tyrant; in others, the barons possessed it, and held both King and Commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical government were practised in their fullest enormity.

" No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, and where popular freedom had neither an existence nor a name, ought to be considered as of the least authority. Amidst all the precedents, he desired to know if they had found one of a Prince of Wales, of full age and full capacity, who had been denied the exercise of the sovereignty, during the known and declared incapacity of the Sovereign? One of the precedents the right honourable gentleman had mentioned leaned rather that way; he meant the precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent in the absence of his father. With regard to what the right honourable gentleman had stated of the quarrel between the Cardinal de Beaufort and the Duke of Gloucester, was that at all in point to the case to which the right honourable gentleman had so invidiously applied it? What was the charge to which that quarrel gave rise? A charge that Cardinal de Beaufort had, in the reign and during the life-time of Henry the Fourth, advised the Prince of Wales, afterwards Henry the Fifth, to take upon himself the exercise of the sovereign authority. Was there the smallest degree of analogy between the illness of Henry the Fourth, and the known cause of the incapacity of our present Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age, and, in his case, the consequence of a fever and long sickness; but was Henry the Fourth, therefore, incapacitated from the exercise of the sovereign authority? By no means: he might not have been able to meet his Parliament, but, most undoubtedly, he was not disabled from executing public business of any other nature. He was in full possession of his mental faculties, could issue his orders, and instruct his Ministers, just as well as he had exercised those powers in the fullest vigour of his youth. To advise the Prince of Wales, therefore, under such circumstances, to take upon himself the sovereign authority, was to advise him to be guilty of high treason; and had the Prince of Wales been so advised, and followed the advice, the Prince would have been guilty of high treason, and have subjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of such an accusation as that urged against him by the Duke of Gloucester, and knowing the serious consequences to which it would lead, should such a charge be proved against him, wisely avowed his innocence, standing upon his defence, and desiring to have the matter referred to the Judges, that he might be purged of the guilt imputable to so foul an offence.

"Upon the present occasion, there had been two assertions of positive right on both sides of the House. On his side, the assertion of the right of the Prince of Wales, being heir apparent, and of full age and capacity to exercise the sovereign authority during his Majesty's infirmity. On that of the right honourable gentleman, the assertion that the Prince had no more right to exercise the sovereign authority, under such circumstances, than any other individual subject. He did not understand the invidious dignity to which he had been exalted on this occasion, nor could he admit what the honourable and learned gentleman, who spoke last, had been pleased to lay so much stress upon, that any opinion delivered in that House by so humble and insignificant an individual as himself, or by any member of what rank and degree soever, ought to be made the ground of a proceeding of the House. But since the right honourable gentleman was determined to make a personal question between them, since he condescended to consider himself his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, 'That it is the opinion of this committee, that his Royal Highness the Prince of Wales, being heir apparent, and of full age and capacity, has no more right to exercise the royal authority during his Majesty's incapacity than any other individual subject.' The right honourable gentleman well knew that he dared not venture to subject such a question to debate; he well knew that, with all his majorities, he could not risk it; he well knew that, if he could have so far lost sight of prudence as to have hazarded such a question, notwithstanding his high character and his known influence within those walls, there would not have been twenty members who would have supported him in it. In fact, he well knew that the moment he let such an opinion escape his lips it was execrated by all who heard it, and that it had been since execrated by all who had heard of it out of doors. What had been the result of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself in an evil hour to deliver, had revolted the public mind, the right honourable gentleman had seized on the first moment that offered to qualify what he had said, by unnecessarily coming forward with a declaration that, though he would not admit the Prince of Wales's right to exercise the sovereign authority during the incapacity of his father, yet he confessed that, on grounds of expediency, and as a matter of discretion, the person to hold the regency ought to be the Prince of Wales, and no other.

"This mode of argument," Mr. Fox observed, "reminded him of what had passed in that House about thirteen years ago, between an eminent Crown lawyer, now the first law character in the kingdom (the Lord Chancellor), and himself. At the time to which he referred, the argument had been the right of this country to tax America, when he had contended, that Great Britain had an undoubted right to tax her American colonies, but that the exercise of that right would be in the highest degree unjustifiable on the part of Great Britain. In answer to this, the great lawyer, with a quaintness peculiar to himself, had said, 'I should be glad to know what that right is which, when attempted to be exercised, becomes a wrong.' In the present case, the right honourable gentleman had acted upon the converse of the great lawyer's maxim, having pronounced the right a wrong, and then immediately proceeded to exercise it in the most effectual manner. In one point of view only could he imagine the existence of a right, which, when exercised, might become a wrong; as, for instance, the three branches of the Legislature, consisting of King, Lords, and Commons, had a right to authorize and act a moral evil. They might set aside the succession, and deprive the Prince of Wales of his hereditary right to succeed his present Majesty; but this enormity could not of right be practised by the two Houses of Parliament, independent of the consent of the Sovereign, any more than the Minister could set himself up in competition with the Prince of Wales, and contend with him, as a claimant, for the regency. For his own part, he could not hesitate to repeat his opinion, that a right attached to the Prince of Wales, as heir apparent, to exercise the sovereign authority, upon the King's incapacity being declared by the two Houses of Parliament; the Prince's right, however, being all along considered as subject to the adjudication of the two Houses of Lords and Commons. This opinion he had not changed, nor did he feel the smallest disposition to change it; and, indeed, the honourable and learned gentleman who spoke last seemed to coincide with his sentiments, for he had, if he understood him rightly, expressly declared that, in case of the demise of the Crown, nothing short of an act of exclusion could prevent the Prince from succeeding to the throne; and that even nothing short of such conduct as would deservedly warrant an act of exclusion, ought to throw out a Prince of Wales, of full age and full capacity, from the regency. The counter opinion to his was fraught with so many and such enormous evils, that he was persuaded no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would for a moment maintain it, either on the ground of right, of discretion, or of expediency. Whatever his opinion was, why should that right be discussed which had been neither claimed nor intended to be claimed? That this was the precise state of the fact, was not to be doubted, after the declaration which had been so graciously communicated from the highest authority in another place.* Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word; because he would not run the risk of having what was due to merit mistaken for fulsome adulation, and servile flattery. But, the claim thus disavowed, how must the preamble of a bill run truly to describe the case as it stood at present: ‘Whereas his Royal Highness the Prince of Wales has never claimed a right to the regency, it becomes necessary for the Lords spiritual and temporal, and for the Commons of England, to declare, that his Royal Highness has no right, and we, therefore, do hereby declare his Royal Highness sole Regent of these kingdoms.’ What could prove more ridiculous than a bill opening with this language? And so it must be worded, unless they falsified the fact, and made a course of law a ground-work of the bill.

“All this difficulty and embarrassment was created when there was not the smallest occasion for it, since it was the concurrent opinion of all mankind that the Prince of Wales should be the Regent. Why, then, would the right honourable gentleman thus agitate the matter, unless it were for the little purpose of personal triumph? Extremely censurable was the boasting language used upon this occasion, of gratitude to the Sovereign, and the strong assertions that such gratitude should be exemplified by the conduct of those who confessed themselves under personal obligations to the

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* The Duke of York had, on the previous day, December 15, stated in the House of Lords, that no claim of right had been made by the Prince, to assume the sovereign authority upon the King's incapacity, and that he understood too well the sacred principles which seated the House of Brunswick on the throne of Great Britain, ever to assume or exercise any power, be his claim what it might, not derived from the will of the people, expressed by their representatives and their lordships in Parliament assembled.—Parl. Hist. vol. xxvii. p. 678.

Sovereign. Personal attachment was no fit ground for public conduct; and those who had declared they would take care of the rights of the Sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest, than if they had not been indebted to him for any favours."

Mr. Fox "owned himself indebted to the heir apparent, because he had been pleased, for several years, to favour him with his confidence; but that flattering mark of distinction had not been made the subject of his speeches in that House, nor had he ever considered it as a proper motive for his public conduct. Neither on the present occasion, nor at any time, if he thought the objects of his Royal Highness incompatible with the public interests, should he think he paid a compliment to the Prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his Royal Highness to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public; whereas the right honourable gentleman appeared to act upon a very opposite principle, and repeatedly introduced the name of the Sovereign, though seldom for any other purpose than an ostentatious display of the confidence reposed in himself. To the House of Brunswick this country stood, in an eminent degree, indebted; and, indeed, few princes ever deserved the love of their subjects more than the princes of that House. Since their accession to the throne, their government had been such as to render it highly improbable that there would ever be ground for an act of exclusion to pass, to set aside one of their heirs from the succession, or that such a circumstance would ever become a necessary subject of contemplation. If the princes of the House of Brunswick had, at any time, differed with their subjects, it had been only on collateral points, which had been easily adjusted in Parliament. No one of the princes of that House had ever made any attempt against the constitution of the country; although, had such a mischievous design been meditated, a party could have been found in existence, and ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties or the happiness of his subjects. The love, therefore, of the people was due to the illustrious family on the throne, in so peculiar and eminent a degree, that every circumstance which looked as if it could at any distance endanger the hereditary right of the House of Brunswick to the succession, ought to be guarded against with peculiar jealousy.

"Exclusive of the concurrence of the public voice, not only the spirit of the constitution pointed out the heir apparent as the fittest person to be Regent, but the Act of Settlement might be defeated if his Royal Highness were passed by, and the doctrine of the right honourable gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no danger. If, as the honourable and learned gentleman had said, there should be a Prince of Wales whose political principles were so depraved, that, in opposition to his own natural interests, he should follow the example of Charles the First or James the Second, either, in one instance, indicating a determination to become a tyrant and destroy the liberties of his subjects, by subverting the constitution, or, in the other, by connecting himself with France and the political enemies of his country, so that everything fatal was to be dreaded from his government, such a Prince of Wales ought to be excluded from the regency, in like manner as he undoubtedly would be excluded from the throne, on the natural demise of his father, or predecessor. But, then, the bill of exclusion to pass in such a case must be the work of the complete legislature, and not the act of two branches only of the legislature. Let the committee consider the danger of making any other person Regent besides the Prince of Wales! If the two Houses could choose a Regent, they might choose whom they pleased; they might choose a foreigner, a papist (for the law defines not the Regent) who, while he held the power of the third estate, might prevail on the other two branches of the legislature to concur with him in altering or setting aside the succession, and turning away the House of Brunswick and putting them in the situation of the House of Stuart.

"He perceived that this doctrine was deemed extravagant, but he meant to put an extravagant case; he had not, however, put an impossible one; let them turn to the favourite period of our history—favourite, at least, with the other side of the House that day—the reign of Henry the Sixth, and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, and actually disinherited the Prince of Wales and the whole line of Lancaster, though they were more nearly allied and had much better pretensions to the Crown than the House of York. The same dismal scene which had disgraced our annals at that period, might be acted over again, if the two Houses of Parliament ever concurred to subvert the constitution, by assuming to themselves the exercise of the royal prerogative, and arrogating the right to legislate and make law in the teeth of the statute of the 13th of Charles the Second,* which he had, on a former day, found occasion to mention, and which not only declared that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declared, that whoever should presume to affirm the contrary, should incur the pains and penalties of a præmunire.†

"To make a law for the appointment of a Regent, he considered, so far as it went, as a conversion of the succession to the monarchy from hereditary to elective; and what sort of a constitution that was which had an elective monarchy, Poland, and the miserable condition of its subjects, sufficiently evinced. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon that very principle was our constitution built, and on the preservation of it did its existence depend. Were the case otherwise, the constitution might be easily destroyed, because if two branches could assume the power to make law, they might, in that law, change the genius of the third estate. The present situation of affairs had been compared to the Revolution, but, in fact, it was in nowise similar. The throne had then been declared vacant, and the rest of the constitution remained. Now, the throne was declared full, but its authority was suspended. At the period of the Revolution, the Convention which was then assembled, conscious that they could not make any change in the genius of the monarchy until they had a head, first restored the third estate, and then defined its power. Whereas the committee were called on to proceed in a different way; first, to new-cast the office, and then to declare the officer. And what must be the situation of a Regent elected by that House? He must be a pageant, a puppet, a creature of their own, *sine pondere corpus*, an insult and a mockery on every maxim of government!"

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* C. 1.

† That is, that, upon conviction, he shall be put out of the King's protection, his lands, goods, and chattels, forfeited to the King; and that he shall remain in prison at the King's pleasure. "The terrible penalties of a præmunire are denounced by a great variety of statutes, yet prosecutions upon a præmunire are unheard of in our courts. There is only one instance of such a prosecution in the state trials, in which case the penalties of a præmunire were inflicted upon some persons, for refusing to take the oaths of allegiance in the reign of Charles II. Harg. St. Tr. vol. ii. p. 463."—Chitty's Blackstone, vol. iv. p. 118, note.

Mr. Fox defined the nature and character of the three estates. The constitution supposed each of its three branches to be independent of the other two, and actually hostile; and if that principle were once given up, there would be an end to our political freedom. Suppose that the Crown and the House of Lords could make laws without the concurrence of the House of Commons, or the Crown and the Commons independent of the Lords, or the two Houses of Parliament without the Crown; in either case the constitution was gone. The safety of the whole depended on the jealousy of each against the others; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three, concurring, through different views, to one general good—the benefit of the community; a principle congenial to human nature, prone to the extension of power, and to the depression of a rival! All these principles and arrangements would be destroyed by the present project, which would radically alter the government, and, of consequence, overturn the constitution.

Mr. Fox explained the particular powers of the Crown to defend itself against any encroachment on the part of the Commons, or to resist any faction in the House of Lords. In the one case, by a dissolution, the King might resist the attempt on his prerogative, and by an increase of the peerage he might quell the other. The power of giving or withholding an assent to any bill, operated equally against the single design of one, or the confederate union of both Houses to trench on the constitutional rights of the Crown; and great, as it was obvious, would be the disadvantage of subjecting the Sovereign to such difficulties as he would be liable to encounter were the power of dissolution, of increasing the peerage, and of the right of giving or withholding the assent to bills, taken away. If there was to be a monarch, the monarchical power ought to be entire, and for this indisputable reason, because the name and rank of a King, without the possession of regal powers, was a being which did not come within the reach of human conception. If it appeared to the House that the royal prerogative ought to be circumscribed, let them invest a proper person with it, and then openly but manfully contend for the circumscription or diminution of its powers; but to aim at an adversary incapable of resistance was neither brave nor noble."

Mr. Fox pointed out the danger of making the Regency elective, and of the two Houses setting aside the hereditary right to it; insisting that the possession of the Crown, and of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate this, he put the case of a Polander asking an Englishman whether the monarchy of Great Britain was hereditary or elective? Any man familiar with the theory of the constitution would naturally think, that the ready answer would be that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his Majesty's physicians. When the King of England is in good health, the monarchy is hereditary; but when he is ill, and incapable of exercising the sovereign authority, it is elective." The assertion that the British monarchy was elective, was, however, so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment. How, then, was the difficulty to be surmounted? A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed that the monarchy was hereditary, the executive power might be elective. Thus, the Crown and its functions might be separated, as if they were in their nature distinct; whereas the one was the essence, and the other the name. Mr. Fox here pursued his argument in an hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic lawyer, to reconcile contradictions and explain apparent impossibilities, ridiculing the argument of the gentlemen of the long robe, that the political, as well as the natural, capacity of the King remained whole and entire, although he was declared incapable of exercising his regal functions. If the Crown were to have no functions, why there should be a King was beyond his imagination to discover. The legal metaphysics which distinguished between the Crown and its functions, were to him unintelligible. The investigators should be schoolmen and not statesmen, fitter for colleges of disputation than a British House of Commons, if a question that so deeply involved the existence of the constitution were to be thus discussed: and where was that famous dictum to be found, that expressly described the Crown as guarded by such sanctity, and left its powers at the mercy of every assailant?"

Having contended that such was the absurdity of legal metaphysics, and called upon the gownsmen to show him the dictum which supported the opposite assertion, that the Prince of Wales had no more right to exercise the sovereign authority during his Majesty's incapacity than any other individual subject, Mr. Fox adverted to a part of the argument advanced against him, and including an allegation, that he had deserted the cause which he had heretofore been supposed to claim the peculiar merit of standing forth on all occasions to defend; and thus manifested an inattention to the privileges of the House of Commons against the encroachments of the prerogatives of the Crown. Upon this occasion, Mr. Fox remarked, "that his own resistance against the latter, when it had been thought increasing unconstitutionally, was well known. The influence of the Crown had been more than once checked in that House, and, he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent it ought to be resisted; and he carried his ideas on that head so far, that he had not scrupled to declare that the supplies ought to be stopped if the royal assent were refused to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it; and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this was an occasion for exercising the constitutional power of resisting the prerogative or the influence of the Crown in that House? He had ever made it his pride to combat with the Crown in the plenitude of its power and the fulness of its authority; he wished not to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the right honourable gentleman pride himself on a victory obtained against a defenceless foe! Let him boast of a triumph where no battle had been fought, and, consequently, where no glory could be obtained! Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce of the various accidents which misfortune could throw into his power! Let it not be my boast," said Mr. Fox, "to have gained such victories, obtained such triumphs, or availed myself of wealth so acquired!"

Mr. Fox declared, that "all the labour of the committee appointed to search for precedents had been fruitless, for that not one of the precedents applied. If they tended to prove anything, it was to establish the Prince's right; since, in all of them, the nearest relative to the Crown, if in the kingdom, and especially if a Prince of Wales, had been appointed the Regent. In the reign of Edward the Third, his son, commonly called the Black Prince, was declared Regent at only thirteen years of age, during the invasion of France by his father; and, afterwards, during the absence of Edward and the Prince, his brother, Lionel, Duke of Clarence, was appointed. The regencies in the reign of Henry the Sixth proved the right of the Prince of Wales the more fully, because in that reign the right of the Prince of Wales was recognised, although he was not a year old, in the very patent which appointed the Duke of York Protector."* Mr. Fox now observed, that "an honourable gentleman † had, in the course of the debate, chosen to remark, that the right honourable the Chancellor of the Exchequer stood higher in the opinion of the public, at present, than he (Mr. Fox) did. Before any gentleman took upon himself to pronounce on such topics, he ought to be sure that he was right in his assertion. He had every reason to believe that the honourable gentleman was mistaken in what he had asserted, having lately had an opportunity of meeting his constituents, and having then received the most unequivocal and flattering proofs of their confidence and kindness. He agreed, however, most cordially with that honourable gentleman in every observation that he had made, of the probable effects of the present motion, if persisted in, with regard to Ireland, and the creation of a difference between the two Houses of Parliament. With respect to Ireland, if the two Houses of the British Parliament named the Prince of Wales as Regent of right, most probably the Parliament of Ireland would do the same; if they speculated, the Irish Parliament would speculate.‡ Let them decide wisely, and their decision would be followed as an example. If the question of right were but once set afloat, it would become impossible to say to what extent it might be carried."

Mr. Fox said, "he would again call in question the necessity for the present proceeding, and urge the fallacy of pretending that the opinion which he, as a private member of that House, had delivered, and the opinion which his noble and learned friend (Lord Loughborough) had delivered elsewhere, made it necessary. He reprobated the indecency of selecting the arguments of his noble and learned friend, and falsely applying them merely for the purpose of placing them in a ridiculous point of view. The right honourable gentleman must have known that the arguments of his noble and learned friend were arguments merely advanced to prove that the Prince of Wales, as Prince of Wales and heir apparent, had rights peculiar and distinct from those of ordinary subjects, and not with a view to prove his right to exercise the sovereign authority. The manner, therefore, in which the right honourable gentleman had answered those arguments betrayed a narrowness of mind which he had not imagined the right honourable gentleman would have condescended to have acknowledged."

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* It was provided that the Prince of Wales should succeed to the regency when he came of age.

† Mr. E. Bastard, member for Dartmouth.

‡ The Houses of Lords and Commons in Ireland voted an address to the Prince of Wales, "to request him to take upon himself the government of that realm, during his Majesty's indisposition, under the style and title of Prince Regent of Ireland, exercising and administering, in his Majesty's name, all regal powers, jurisdictions, and prerogatives." A deputation from both Houses waited upon the Lord-Lieutenant, the Marquis of Buckingham, requesting him to transmit the address to his Royal Highness; but he declined doing so, because, he said, "I cannot consider myself warranted to lay before the Prince of Wales an address, purporting to invest his Royal Highness with powers to take upon him the government of this nation, before he shall be, by law, enabled so to do." Delegates were then appointed by the two Houses to present the address to his Royal Highness, which was done accordingly on the 27th of February, 1789. On the 24th of February, however, the Lord Chancellor, in the House of Lords, had announced the recovery of his Majesty.—*Vide post*, p. 322.

Mr. Fox "desired to know the use of bringing forward a question of right, when the expediency of constituting the Prince of Wales Regent was, on all hands, agreed upon. He charged the right honourable the Chancellor of the Exchequer with a determination to legislate, without the power to do so effectually, which would alter the genius of the third estate, without any crime alleged against either the Sovereign, declared for the present incapable to exercise the royal authority, or the intended Regent. If they could make whom they pleased Regent, they could appoint the Regent for a day, a month, or a year, turning the monarchy into a republic, as had been the case with Rome. And while the right honourable gentleman denied that the Prince of Wales had any more right than he himself had, he confessed it would be a breach of duty to think of any other Regent—and all this for the paltry triumph of a vote over him, and to insult a Prince, whose favour he was conscious he had not deserved!"

Mr. Fox declared "he was ready to admit, that the right honourable gentleman's Administration had been, in some respects, entitled to praise; he was ready to say what were the parts that, in his opinion, most deserved commendation, and as willing to give them his applause as any member of that House. What he alluded to, were the measures adopted to detach Holland from its connexion with France.* The whole conduct of that transaction, as well as its issue, was wise and vigorous, laudable and effectual; and he was happy to take that opportunity of delivering his sentiments concerning the right honourable gentleman's ministerial conduct upon that occasion. Of his other measures he certainly entertained a very different opinion. The right honourable gentleman, however, appeared to have been so long in the possession of power, that he could not endure to part with it: he had experienced the full favour of the Crown, and enjoyed the advantage of exerting all its prerogatives; and finding the operation of the whole not too much for the successful carrying on of the Government, he had determined to cripple his successors, and deprive them of the same advantages which he had possessed—and thus circumscribe their power to serve their country—as if he dreaded that they would share his fame. Let the right honourable gentleman for a moment suppose, that the business of detaching Holland from France, or any contingency of equal importance, remained to be executed; he must know that there would be no power in the country to seize the advantage, if the right honourable gentleman's principles were right. For his own part," Mr. Fox declared, that "he could not avoid calling most fervently upon every honest member of that House not to vote without perfectly understanding what the question went to, as well as the other resolutions. With regard to the right honourable gentleman's motives, he knew not what they were; but if there were an ambitious man in that House, who designed to drive the empire into confusion, his conduct, he conceived, would be exactly that which the right honourable gentleman had pursued.

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* The alliance of France had been courted by a faction which had rebelled against the Stadtholder; and the French Cabinet had endeavoured to encourage that rebellion, with a view to establish such an influence in the councils of the United Provinces, as would effectually prevent them from forming any connexion with England, and secure their attachment to, if not their dependence on, France. When the French Cabinet notified to the English Court its determination to render to the States of Holland the assistance which they had required, it was replied, that, in the event of the hostile interposition of France, Great Britain would take an active part in the contest; and immediate directions were issued for increasing our naval and military force. A quiet arrangement was shortly afterwards concluded, by which the interference of either nation was explicitly renounced, and all warlike preparations discontinued.—Gifford's Life of Pitt, vol. i. p. 445 *et seq.*

"The resolutions moved, appeared, in his opinion, insidiously calculated to convey a censure on the sentiments which he delivered, while they served as an instrument of evasion of an assertion, highly revolting to the public mind, made by the right honourable gentleman himself. This he reprobated as a pitiful shift totally irreconcilable with the confidence which the right honourable gentleman placed in the expectation of a majority. In majorities," Mr. Fox declared, "he had no great trust; he had for many years had the mortification to find himself in a minority in that House; and yet upon a change of situation, he had generally found that the majority, who had before divided against him, divided with him. For more than eighteen years of his political life had he been obliged to stem the torrent of power, and sometimes he had enjoyed the satisfaction of finding himself in a majority of the same Parliament, of which, in the prosecution of the same principles and the declarations of the same designs, he had before been only supported by a minority."

The question was then put upon the motion made by Lord North; when there appeared: Yeas, 204; Noes, 268. The second and third resolutions were then severally put, and carried without further debate. On the 18th, the House adjourned, on account of the illness of Mr. Fox, to the day following; when Mr. Pitt, being called upon to inform the House more distinctly of the mode of proceeding he intended to adopt, stated that "as in contemplation of law, his Majesty's political capacity was entire, he should propose that their proceedings should be under the royal authority, delegated by a commission under the great seal. That commissioners so appointed should open the Parliament in the name of his Majesty, in the usual form, and afterwards give the royal assent to such bills as might be passed by the two Houses, for appointing a Regent to exercise so much of the royal authority as was necessary to be exercised during his Majesty's indisposition. This he conceived to be the only mode of proceeding that could be adopted consistently with the principles of the constitution." The report from the committee being then brought up, and the first resolution read and agreed to, the second was objected to; and it was moved, by way of amendment, first, that the words "right and" should be left out of the resolution; and afterwards, that instead of the words, "in such manner as the exigency of the case may appear to them to require," the following should be inserted:—"by presenting an address to the Prince of Wales, heir apparent, and of full age, beseeching him to take upon himself the administration of the civil and military government of the kingdom, during the continuance of his Majesty's indisposition, and no longer." These amendments were moved by Mr. Dempster and Mr. Powys, and negatived without a division. The third resolution being then read, Mr. Dempster again moved an amendment upon it, the debate on which was adjourned to the twenty-second.

December 22*nd*. The order of the day being moved for resuming the adjourned debate, the Speaker read the motion which had been made by Mr. Dempster for the amendment to the third resolution.* The amendment was to leave out from the word "determine" to the end of the resolution, in order to insert these words, "Humbly to address his Royal Highness the Prince of Wales, to take the care of the administration of the civil and military government of the kingdom, during the continuance of his Majesty's indisposition, and no longer," instead thereof. After the amendment had been opposed by the Solicitor-General, Sir John Scott, and supported by Mr. Burke, Sir John Aubrey, Lord Fielding, and Lord North,

Mr. Fox rose. He said that, "he would treat the important subject before the House in as short a manner as possible, but if he should be obliged to detain them for any length of time, they must impute it as much to the extraordinary doctrines which had been thrown out that night, as to the anxiety which he might have to press his own opinions upon their attention. He wished to have had an opportunity of speaking immediately after the honourable and learned gentleman, the Solicitor-General, whose doctrines had struck him as highly inconsistent with the conclusions which he had drawn from them; and whose whole train of reasoning on the subject was, in his mind, enveloped in a nice kind of legal metaphysics, admirably calculated to confound the plain understandings of unlearned men, but which, when stripped of its coverings, would appear to be totally inapplicable to the subject.

"There were two positions of the honourable and learned gentleman which he was particularly anxious to recall to the memory of the House, and which, in all that he should have occasion to dwell upon, he begged gentlemen to bear in mind and carry with them. The first was a general maxim, implying 'that the power which necessity creates, necessity also limits.' The second was, 'that in this and every other exigency, the two Houses of Parliament were bound to search for, discover, and act by what is the law according to the forms of the constitution.' These two principal points in the honourable and learned gentleman's speech he wished to carry in his mind and to reason from; and acting upon the last of these doctrines, he agreed that it was a fundamental duty to inquire and ascertain the distinction between the powers of the House in what they could do by resolution and address, and what they could do by bill; that was to say, what they could do as a complete and distinct proceeding of their own, independent of the other branches of the Legislature; and what they could do as making a part of, and in conjunction with the other two Houses of Parliament. That this was their duty he perfectly agreed with the honourable and learned gentleman; and he was equally disposed with him to hold sacred and to regard the forms of the constitution; but he held them sacred only in so far as they were the outguards and protectors of the main body of the constitution. The moment that they ceased to be the guardians and became the betrayers, he could no longer venerate the forms, but must instantly refer to the substance and essence of the constitution. If a violent infringement should be made on any of the fundamental principles of the system which they all professed to revere, and this attack were made under the specious disguise of the outward forms of the constitution which it was intended to undermine, could he hesitate for a moment which part he was to take, that of the forms or that of the substance? There could not be a moment's delay, and he therefore, in the present discussion, felt it to be his first duty to inquire whether the measures now proposed were not in direct hostility to the principles of the constitution, while by a miserable juggle and a fraud they pretended to be consistent with the forms.

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* See third resolution, *ante*, p. 287.

" For his own part he should conceive, that in the present exigency there were three courses to be pursued, of which, whether that proposed in the amendment by the honourable gentleman (Mr. Dempster) might be the best or not, that proposed by the right honourable the Chancellor of the Exchequer was manifestly the worst. And this he thought he should be able to make evident, even taking the matter up on the right honourable gentleman's own ground—the hollow, miserable, and defective ground of precedent. That of King Henry the Sixth had been most particularly insisted on. Now, hough he could not allow that the minority of a King with the temporary ncapacity from disease were analogous, he would not hesitate to examine the precedent of Henry the Sixth and compare it with the present. On the death of Henry the Fifth a commission was issued under the great seal, appointing he Duke of Gloucester to the Regency, with full powers to exercise the royal uthority, and to use his discretion fully and freely in trust for the minor King. By this first step, the third estate was restored before the two Houses ook upon them to do any one act in the shape of legislation; and the Regent being thus vested with the full exercise of the prerogative, the Parliament was able to confirm by one act the first measure of the issuing of the commission. If that proceeding had been followed in the present case, would ur situation have been the same as it then was, or as it would be if the measure proposed by the right honourable gentleman were adopted? By that measure it was proposed, that instead of the lineal successor, invested with full discretion, the two Houses should nominate and invest a creature of their own, not with discretionary power, but with a ministerial authority to affix the great seal to whatever they should choose to pass. The precedent of Henry the Sixth militated directly against the course now proposed. That precedent clearly went to the nomination of the next lineal successor to the Crown, and to his investment with all the functions of royalty, whereas the proposed course was to set up an intermediate person out of the line of succession, and to take from him all discretion. The absurdity of this proceeding was equal to its indecency. This creature of the two Houses was to be bound to give the royal assent. Was it ever heard of or imagined before, that there could be a power of giving assent without a power also of dissenting? The very term demonstrated the absurdity. A person's consenting to a thing evidently implied that he had the power not to consent. There was a person to be set up without power, without discretion, and yet this pageant was to give the form of a Parliamentary act to the proceedings of the two Houses. By the precedent in the commencement of the reign of Henry the Sixth the Regent was invested with the power of the royal negative, and with the corresponding and essential powers of proroguing or dissolving, and of convening Parliaments. By this, in the first instance, the three estates were restored to their several functions, and the Parliament being made complete, they were able, by an act of legislation, to justify and legalize the measure by which they were thus established. The precedent of Henry the Sixth then pointed out to the House these two important facts:—1. That the power was given, in the first instance, to the next in succession to the Crown; and in this nomination the full, absolute authority of the Sovereign was entrusted to him. 2. That, though afterwards limitations were put to the Duke's exercise of the prerogative, the limitations were made in full Parliament, when the Duke constituted the third estate, and when, from each of the bills restraining his authority, he might have withholden his assent.

"These two historical facts were contained in this precedent, and though the Duke of Gloucester afterwards complained of the limitations which were made, his complaint was unjust, since they were made with his known consent. He was by no means of opinion that the precedent of Henry the Sixth would bear him out as a guide which they ought to follow; but there was one point which it forcibly demonstrated, that in vesting the royal authority in the next in succession, our ancestors clearly understood that they were acting consistently with the spirit of the constitution. The particulars of the case were curious:—On the death of Henry the Fifth, the Bishop of Durham, then lord chancellor, delivered the great seal into the hands of the infant King, then nine months old, and the Duke of Gloucester, of his own authority, delivered it into the hands of the Master of the Rolls, by whom it was used. This was rather a strong measure, and although, in the Parliament which succeeded, acts of indemnity were passed for almost every othe measure, yet no act of indemnity was passed for this, so convinced were our ancestors of that day of the propriety of vesting the royal authority in the next line of succession.

"Upon this occasion he was ready to acknowledge that he could not put any value on the subsequent acts of the Parliament of that miserable reign. They who proceeded to lengths so astonishingly absurd as to declare the minor King fit to reign at the age of eight, and again at the age of nine, and who declared him incapable to reign when he came to the age of thirteen, could not be referred to as models either of wisdom or consistency; but this he asserted that all their proceedings tended to show, that though they would not make for his argument, they were directly and strongly against that of the right honourable gentleman.

"Previous to his investigation of the other precedents he must state, that taking them altogether they served to divide the subject in two parts, and to elucidate two natural points as principles of the constitution. 1. That no man ever was to hold the Regency in trust for the Crown, but the next in succession. And 2. That no man was to hold it but with the powers incidental to the office; that was, with the powers constitutionally belonging to the Crown. These two principles the precedents all contributed to demonstrate and strongly inculcate, except in cases where the adherence to them was impracticable. Was there in the present emergency any reason for departing from this safe and constitutional course? and yet what was the measure to be pursued? A commission was to be granted to a person—not to the Prince of Wales, not to any branch of the royal family; and by this commission this person was to be created into the third estate of the realm, without possessing one of the functions of that estate.

"Would the advocates of such measures take upon themselves to ascertain whether the two Houses had any such power, which they could derive either from precedent, from analogy, from the letter or from the spirit of the constitution? No point could be more distinct and more clearly defined than the powers and proceedings of the two Houses taken individually, and the powers and proceedings of the three estates in conjunction; and yet, in all the agitation of this matter they had been industriously confounded. In speaking, therefore, of their separate powers, he would distinguish between them thus: when speaking of the two Houses by themselves, he would call them the two Houses of Parliament; when speaking of the three estates in their ample form, he would call them the Legislature. It would not be denied, it would not be disputed, that the powers of these bodies were completely distinct; and they surely were not to draw precedents from the acts of the Legislature for the government of the two Houses: yet all the precedents on which they were now called upon to proceed were acts of the Legislature, and they were not to be considered, at this moment, as any other than a convention of the two Houses of Parliament. As they were not the Legislature, they were not to look for precedents of the Legislature. They could be instructed only by precedents in the proceedings of the two Houses of Parliament when deprived of the third estate.

"Most undoubtedly the Convention at the Revolution was the only place to which they could truly look for such a precedent. On this subject he wished to be clearly understood. If the distinction which he drew in this case were capricious and unfounded, he would throw himself open to correction; but it was a distinction which in his mind had great weight, and which should be seriously considered, when the precedent was brought to bear in the present instance. He declared, then, that the case of necessity at the Revolution was a necessity not proceeding from accident, but from real danger. The vacancy of the Throne did not proceed from the malady of the King, as afflicted by Providence, but from the violent infringements which the King had made on the liberties of the people, by which their allegiance from him had been constitutionally withdrawn; and in the tumult he had fled from their just vengeance. Thus outraged and injured, threatened with a foreign enemy in support of a tyrant, there was a necessity in which all forms must give way to the substance and essence of the constitution. They had not in that necessity the choice of conduct. Their first, bounden, constitutional duty was to protect themselves against the danger which threatened; and therefore he assumed it as an incontrovertible position, that what they did under the immediate pressure of this necessity, did not and could not apply to the present necessity. Why? Because the cases were in no degree parallel. Our liberties had not been infringed by the monarch, and they were not threatened by any pretender; nor did France, or any other foreign state, meditate any attack in support of any forfeited right. In the present instance there was an interruption occasioned by the temporary derangement of the King, while the empire enjoyed a complete peace, and there was an heir apparent of ripe age and of perfect qualification. The two cases of necessity were not similar, and the proceedings of the Convention, springing from the necessity, did not apply; but he was ready to acknowledge that every proceeding of theirs which could be referred to free agency, and in which they were not shackled by the dangers that surrounded them, did apply to the present case.

"Arguing on these two preliminary positions, if it should be said that the Convention overlooked the line of hereditary succession, passed over the claim of the Prince of Wales, if there was any Prince of Wales, and also the right of Queen Mary, his answer would be, that in doing so they acted under the pressure of the necessity, well knowing that they could only preserve to the kingdom its liberties and constitution, by putting the Crown into the hands of a person able to defend and protect them. Their election of King William, therefore, he thought an act of positive necessity, which did not apply to the present case. The mode of their electing him he considered as an act of discretion, and that, therefore, did apply. King William, with all his great and glorious qualities, certainly did not possess such a knowledge of our constitution as to have had in his mind any preference as to the manner in which the Crown should be conferred on him. His education, chiefly military, did not lead him much to the discussion of the forms of our parliamentary proceeding; and whether it came to him by declaration of the two Houses, by address, or by an act passed with the affectation of legal forms, was a matter which he believed would have been indifferent to him, and therefore he took it for granted that the Convention acted from their own volition. And how did the two Houses act? They might have ordered a new great seal to be made; they might have created a pageant, and giving to themselves the empty form, without the reality or the essence, of a perfect Parliament, they might have committed an insulting fraud, and in the mere mockery of legislation have passed an impotent act, conveying to King William the Crown. But, knowing and feeling the distinct powers possessed by the two Houses, and possessed by the Legislature; knowing that their organs were distinct, and that their proceedings could not be confounded, nor mistaken the one for the other; knowing that the two Houses could by their organization act only by resolutions and addresses, and that the Legislature could again act only by bill and statute; the Convention proceeded by that course which was consistent with their functions—by address. Here was a precedent in the Revolution applicable to the present case. Address the Prince of Wales to take upon him the exercise of the royal authority, and thus by one step make the Legislature complete. The course to be then pursued was easy and palpable—pass an act to quiet the minds of the people as to the informality of the first measure. He further illustrated the analogy of this part of the precedent of the Revolution, by stating that the Convention divided the grievances of which they complained into two classes:—1. Proceeding from the violation of the laws by the tyranny of King James the Second; 2. Proceeding from the inadequacy of the laws to the protection of the subject. The first the two Houses thought themselves warranted to declare, and properly considered a declaration of their rights to be sufficient. The second they as properly left to the Legislature, well knowing that they could only be provided for by remedial laws. Upon the whole, therefore, he felt himself warranted to assert, that reviewing these two precedents, he discovered that the precedent of Henry the Sixth, if it did not make exactly for him, made directly and totally against the right honourable gentleman. That of the Revolution clearly and intelligibly pointed out to the two Houses the measure of an address as the true constitutional mode of supplying the King's incapacity.

"And yet it was not solely by viewing the constitution in its spirit that they were taught to avoid the monstrous error of the two Houses attempting to legislate. The 13th of Charles the Second expressly declared that the two Houses could not make laws without the King. Oh! but, said the honourable and learned gentleman, this statute could not apply, for the King, though at present rendered incapable, had still in the eye of the law all his political capacity, and the Throne was to all intents and purposes full. The Throne being full, but the King incapable, what were they to do? To appoint a person who was to give the royal assent to bills to be passed. Indeed! How was this person to know the royal pleasure? Was he to go to Kew to apply to the royal person, whom Providence had deprived of the power of assent or dissent? Human reason revolted from the absurdity. Was there a permanent authoritative council to which he could apply? None. Could he exercise his own will? No; he was deprived of all discretion. To whom, then, only could he apply? To the two Houses of Parliament that gave him being; and thus we had a monster unknown—unheard of in our history! We had, indeed, formerly two Houses of Parliament that proceeded first to legislate, and then to act. Had the honourable and learned gentleman been the then Solicitor-General, instead of Oliver St. John, he would not have felt himself at any loss to legalize all the proceedings of the Long Parliament; he would have issued a commission in the name of the King, and, by the creation of a pageant, have affixed the great seal to each of the ordinances, and having so done, he would have exclaimed, Here are perfect statutes according to law! But the King's name could not be used against the King's authority; and setting up a man of straw for the purpose of limiting the prerogative, was in fact and in truth an infringement and outrage of the royal authority.

"He did not mean to combat the doctrine that the two Houses of Parliament were competent, by resolution or address, to supply the present deficiency; but he should beg leave to contend that if they proceeded further—if they assumed to themselves powers which belonged to the Legislature, and proceeded to legislate, the judges would laugh at their acts; there was not a court in which they would be recognised, or a corner of the kingdom in which they would have the efficiency of law. Declare the right or the propriety of the Prince's taking on him the exercise of the royal authority; or address him in direct terms to assume it; and Parliament will be enabled instantly to put on its legislative authority. Then there would be a third estate, and the executive power would fall into the hands of that person who was most concerned in the preservation of the Monarchy, and who, by every claim of lineage, of hereditary title, of interest, of constitutional pre-eminence, was pointed out on the emergency to be the Regent during the incapacity of his royal father. If instead of this, they proceeded to metamorphose themselves into the form of the Legislature, what was there but their own temperance as a security for the most unconstitutional outrages? While they kept themselves within the limits of their true authority they were safe; the moment they went further, jeopardy attended every step, and there was no foreseeing what violence and error might ensue.

"All this, said the honourable and learned gentleman, is very plausible; but during the life of the King there was no person that could have a right to act for him. Then why did they presume to confer this right on the Lord Chancellor? 'Oh, but we have a right,' continued the honourable and learned gentleman, 'to make the Chancellor do what we please, and to act according to our will; but we have no power to permit the Prince of Wales to act according to his will.' By this doctrine they had the power to appoint themselves Regents, but no power to appoint the heir apparent. Monstrous and indecent incongruity!

"Upon this occasion he should freely admit, that by addressing the Prince of Wales to take upon him the exercise of royal authority, they did an informal act, but it was an act which the necessity of the case was sufficient to justify. To make the Chancellor put the great seal to the proposed commission was also informal. Let the two acts be examined and compared. Do the first, and the Prince instantly holds the Parliament—the Legislature is complete, and the informal act may be ratified. If the Chancellor puts the great seal to whatever bill the two Houses shall pass, not a step is gained, for the remedy itself is also unconstitutional and inefficient. You propose one means, we propose another. Our proposition instantly re-produces legislature; yours, a monster unknown to the constitution. We do all that the necessity requires; you do infinitely more; and here we come to the maxim, that the power which necessity creates, necessity also limits. We do but one informal act; you, two or more. You proceed to choose an inconvenient Regent, for the purpose of getting at the convenient Regent, whom we reach at once. We proceed to limit his power—if it must be limited—legally, when the Legislature is complete; you proceed to do this when there exists in the country no power that is competent to the measure. You do that by a fraud and a fiction which we do constitutionally and legally. We do that with the perfect organs of the Legislature, which you cannot do without breaking through the real functions of the two Houses of Parliament."

Mr. Fox concluded with some observations on the words of the resolution. "He had," he said, "in the course of this discussion, thrown out an opinion that a right attached to the heir apparent to exercise the functions of royalty during the incapacity of the King, and that the two Houses should recognise this right, and put him in possession of it. In opposition to this opinion, the two Houses had come to a resolution, that they alone possessed the right of nominating to the regency; but at the same time declaring they thought the Prince the most proper person to be appointed. Bowing to their decision, he now wished them to go on, and to appoint the Prince Regent. Instead of this, what was the language and spirit of the next resolution? That they have no right, that they cannot appoint him. They must first do what never was done before in the history of this country; they must first form themselves into a legislature. Thus they first make a declaration of a right purely abstract; and having made it, they shrink from the exercise of the right they have arrogated. He then warned the House against the adoption of specious pretexts, by which, under the colour of original principles, they were to assume powers inconsistent with the spirit of the constitution. There was no way so certain of bringing the popular branch of the legislature into popular odium, as by deviating from the precise path marked out for it in the constitution, and straying within the limits of the other two, which it was their duty to watch, but never to invade."

On a division, the amendment was lost by a majority of 251 to 178. The resolutions were then delivered to the Lords at a Conference; and, after considerable debate, they were finally agreed to by that House on the 29th of December. At this period, an adjournment of the House of Commons, occasioned at first by the indisposition, and a day or two afterwards by the death, of the Speaker,* took place until the 5th of January, when Mr. Pitt gave notice that he should, on the following day, state to the House the restrictions he should propose to be annexed to the office of Regent.

When the resolutions before stated† had been agreed to by the Houses of Lords and Commons, Mr. Pitt submitted the outlines of the plan which he had formed for the constitution of a regency to the Prince of Wales, in the following letter:—

"Sir,

"The proceedings in Parliament being now brought to a point which will render it necessary to propose to the House of Commons the particular measures to be taken for supplying the defect of the personal exercise of the royal authority, during the present interval, and your Royal Highness having some time since signified your pleasure that any communication on this subject should be in writing, I take the liberty of respectfully entreating your Royal Highness's permission to submit to your consideration the outlines of the plan which his Majesty's confidential servants humbly conceive (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

"It is their humble opinion that your Royal Highness should be empowered to exercise the royal authority in the name and on the behalf of his Majesty, during his Majesty's illness, and to do all acts which might legally be done by his Majesty; with provisions, nevertheless, that the care of his Majesty's royal person, and the management of his Majesty's household, and the direction and appointment of the officers and servants therein, should be in the Queen, under such regulations as may be thought necessary. That the power to be exercised by your Royal Highness should not extend to the granting the real or personal property of the King, (except as far as relates to the renewal of leases), to the granting any office in reversion, or to the granting, for any other term than during his Majesty's pleasure, any pension, or any office whatever, except such as must, by law, be granted for life, or during good behaviour; nor to the granting any rank or dignity of the peerage of this realm to any person except his Majesty's issue who shall have attained the age of twenty-one years.

"These are the chief points which have occurred to his Majesty's servants. I beg leave to add, that their ideas are formed on the supposition that his Majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix beforehand the precise period for which these provisions ought to last; but if, unfortunately, his Majesty's recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open hereafter to the wisdom of Parliament to reconsider these provisions, whenever the circumstances appear to call for it.

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* Mr. William Grenville, brother of Lord Temple, was elected to succeed Mr. Cornwall, the late Speaker.

† *Ante*, p. 287.

" If your Royal Highness should be pleased to require any further explanation on the subject, and should condescend to signify your orders that I should have the honour of attending your Royal Highness for that purpose, or to intimate any other mode in which your Royal Highness may wish to receive such explanation, I shall respectfully wait your Royal Highness's commands. I have the honour to be, with the utmost deference and submission, Sir, your Royal Highness's most dutiful and devoted servant,

" *Downing-street*, *Tuesday Night*, " W. PITT."
" *December* 30, 1788."

On the 1st of January, the following answer was delivered by his Royal Highness to the Lord Chancellor, to be conveyed to Mr. Pitt :*—

" The Prince of Wales learns from Mr. Pitt's letter, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince the outlines of the plan which his Majesty's confidential servants conceive to be proper to be proposed in the present circumstances.

" Concerning the steps already taken by Mr. Pitt, the Prince is silent. Nothing done by the two Houses of Parliament can be a proper subject of his animadversion ; but when, previously to any discussion in Parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the royal authority and the public welfare may be deeply affected, the Prince would be unjustifiable were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his father and Sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both.

" In the state of deep distress in which the Prince and the whole royal family were involved, by the heavy calamity which has fallen upon the King, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince that a plan should be offered to his consideration by which Government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the King's authority, much less in the hands of his eldest son—the heir apparent of his kingdoms, and the person most bound to the maintenance of his Majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people.

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* For a long time this letter was attributed to Mr. Sheridan, but in an extract of a letter from Sir Gilbert Elliot, afterwards Lord Minto, given by Mr. Moore in his Life of Sheridan, Sir Gilbert states, " that it was originally Burke's, altered a little, but not improved, by Sheridan and others."—Moore's Life of Sheridan, vol. ii. p. 50.

"The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of Parliament, when the whole of this subject, and the circumstances connected with it, shall come under their deliberation.

"He observes, therefore, only generally on the heads communicated by Mr. Pitt, and it is with deep regret the Prince makes the observation, that he sees in the contents of that paper a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs—a project for dividing the royal family from each other—for separating the Court from the State; and, therefore, by disjoining government from its natural and accustomed support, a scheme for disconnecting the authority to command service from the power of animating it by reward; and for allotting to the Prince all the invidious duties of government, without the means of softening them to the public by any one act of grace, favour, or benignity.

"The Prince's feelings on contemplating this plan are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and suspicions (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain.

"With regard to the motive and object of the limitations and restrictions proposed the Prince can have but little to observe. No light or information is offered him by his Majesty's ministers on these points. They have informed him what the powers are which they mean to refuse him, not why they are withheld.

"The Prince, however, holding, as he does, that it is an undoubted and fundamental principle of this constitution that the powers and prerogatives of the Crown are vested there as a trust for the benefit of the people; and that they are sacred only as they are necessary to the preservation of that poise and balance of the constitution, which experience has proved to be the true security of the liberty of the subject—must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power or its representative; or which can justify the Prince in consenting that in his person an experiment shall be made to ascertain with how small a portion of the kingly power the executive government of this country may be carried on.

"The Prince has only to add, that if security for his Majesty's repossessing his rightful government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the Prince has only to be convinced that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and paramount consideration of any settlement in which he would consent to share.

"If attention to what is presumed might be his Majesty's feelings and wishes on the happy day of his recovery be the object, it is with the truest sincerity the Prince expresses his firm conviction that no event would be more repugnant to the feelings of his royal father than the knowledge that the government of his son and representative had exhibited the sovereign power of the realm in a state of degradation, of curtailed authority and diminished energy—a state hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the security of the Monarch and the rights of his family.

"Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it was not necessary for Mr. Pitt nor proper to suggest to the Prince the restraint he proposes against the Prince's granting away the King's real and personal property. The Prince does not conceive that during the King's life he is, by law, entitled to make any such grant; and he is sure that he has never shown the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the royal family, and to provide a proper and natural security against the mismanagement of them by others.

"The Prince has discharged an indispensable duty in thus giving his free opinion on the plan submitted to his consideration.

"His conviction of the evils which may arise to the King's interests, to the peace and happiness of the royal family, and to the safety and welfare of the nation, from the Government of the country remaining longer in its present maimed and debilitated state, outweighs in the Prince's mind every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the King's subjects he deplores the most), in full confidence that the affection and loyalty to the King, the experienced attachment to the house of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the public. (Signed)

"*Carlton House, January* 1*st*, 1789." "G. P."

1789. *January* 6*th*. On the motion, that the order of the day be read, Mr. Loveden, the member for Abingdon, rose and moved, "That a considerable space of time having elapsed since the examination of the physicians with respect to the state of his Majesty's health, it is necessary to know whether any alteration or amendment has taken place, and, therefore, that the physicians be called upon to inform this House if the present symptoms are such as give reason to hope for the King's speedy recovery." After much debate, it was ordered that a committee be appointed to examine the physicians touching the present state of his Majesty's health, and to report such examination forthwith to the House.

When the report was brought up on the 13th, by Mr. Pitt, a motion was made by Mr. Burke, and seconded by Mr. Windham, that it should be recommitted, on account of the ground of the different opinions held by the physicians respecting the probability of the King's recovery not having been examined into by the committee. This motion being negatived without a division, the report was ordered to be printed, and taken into consideration in a committee of the whole House on the state of the nation upon the Friday following, on which day Mr. Pitt opened his plan to the House. The first four resolutions* having been carried, the fifth, relating to the King's household, was postponed to the Monday following.

January 19*th*. Mr. Pitt now moved the fifth resolution, namely, "That the care of his Majesty's royal person, during the continuance of his Majesty's illness, should be committed to the Queen's most excellent Majesty, and that her Majesty should have power to remove from, and to nominate and appoint such persons, as she shall think proper to, the several offices in his Majesty's household, and to dispose, order, and manage, all other matters and things relating to the care of his Majesty's royal person, during the time aforesaid: And that for the better enabling her Majesty to discharge this important trust, it is also expedient that a Council should be appointed to advise and assist her Majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine upon oath the physicians and others attending his Majesty's person, touching the state of his Majesty's health, and all matters relative thereto." Mr. Pitt was supported by Mr. Dundas, and the Solicitor-General.† On the other side, Lord Maitland, Mr. Grey, and others, objected to the limitations in general, not only as tending to distract and embarrass the new Government, but as nugatory and ineffectual for the purpose which they were meant to secure.

Mr. Fox followed on the same side. After adverting to the remarks which had been thrown out on the comparative talents of the two sides of the House, he observed, that "he could not deny that he had a partiality for the talents of his friends, and of those with whom he was nearly and closely connected by a similarity of opinion and conduct; but partial as he was to their endowments and abilities, he disclaimed that want of candour which might induce him to withhold from gentlemen on the other side of the House the just praise due to great ingenuity and to eminent talents. That ingenuity and those talents had often been displayed on occasions in which he differed with them in opinion, and which occasioned him to lament that he was compelled to oppose abilities so distinguished; but he must say that on the present occasion they had not furnished him with reason for such a lamentation. A measure supported with so little argument he never witnessed. A debate like the present, in which so much had been said on the one side, and so little on the other, he did not recollect; and in this estimate of the matter he must include the very laboured essay of the honourable and learned Solicitor-General. That the subject would not admit of defence was manifest from this, that even the honourable and learned gentleman, whose education and daily habits furnished him abundantly with the modes and forms of reasoning, and who on other topics had shown so fruitful a mind, was on this unable to advance a single clear and unsophisticated argument for the measure which he espoused, but had, as heretofore, endeavoured to entangle the understandings of gentlemen in the intricacies of legal metaphysics.

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* The first four resolutions were to the effect that it was the opinion of the committee: 1st. That the Prince of Wales should exercise the royal authority in the name and on the behalf of his Majesty, under the title of Regent of the Kingdom, subject to such limitations and restrictions as should be provided. 2nd. That the power to be given to the Prince of Wales should not extend to the granting of any peerage to any person, except his Majesty's issue who should have attained the age of twenty-one years. 3rd. That the said power should not extend to the granting of any office in reversion, or for any other term than during his Majesty's pleasure, except such offices as are by law required to be granted for life, or during good behaviour. 4th. That the said power should not extend to the granting of any part of his Majesty's real or personal estate, except so far as related to the renewal of leases.—See resolutions at length, Commons' Journals, vol. xliv. p. 88.

† Sir John Scott, afterwards Lord Eldon.

"For his own part, in the discussion of the important question before them, he would follow the very proper example of an honourable and learned gentleman, whom he did not see in his place, in avoiding the utterance of a single word in praise of the personal virtues of the royal and exalted characters who were immediately concerned. He would neither speak of the virtues of the heir apparent on the one side, nor of her Majesty on the other; such eulogiums unquestionably were neither political nor perfectly manly. To say that which none could contradict, was not manly; and to make the particular virtues of the present royal persons an argument either for the adoption or rejection of a great measure, which might in its tendency apply to other times and other persons, was surely not political. He would rather make the honourable gentleman his model who, at an early stage of this business, had said that in discussing it he would not take into his view the plan of the regency as it related to the Prince of Wales, but as it might relate hereafter to a Prince of Wales: so he would not consider the present resolution as it affected the Queen, but as it might affect a Queen; abstracting from the question every personal motive, and viewing it as it might apply to other times and other persons, and to its future probable consequences on the government and constitution of the kingdom. The honourable and learned gentleman had begun his speech with a repetition of that doctrine with which he had early started, and frequently pressed in debate—the existence and union of the personal and political character of his Majesty: 'That the King's political character was, in the eye of the law, inseparable from his personal—that it remained entire and perfect—and would continue so to do until his natural demise.' This doctrine, which had been frequently urged, he had wished in vain to hear explained; for how that person whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. The doctrine partook of, and seemed indeed to be founded on, those blind and superstitious notions by which, as they all knew from history, human institutions had been deified, and by which, for the purpose, perhaps, of impressing a strong and implicit reverence in the minds of the multitude, the fables of men were stated to be of divine origin. That resort was had in those early times to such means, for wise purposes, by men highly gifted, he was not unwilling to admit; and that even in our own history there might be, and certainly were, among that description of persons in our own country who, at different times, bore the epithets of tories, high churchmen, and so forth, several who might think that by propagating the idea of divine right, they surrounded the person of Majesty with a mysterious grandeur and authority, which inspired in an enthusiastic people a more prompt and steady obedience. If such were the view in which the honourable and learned gentleman wished to consider this mysterious character of complete political existence, without political capacity, he could only observe on his doctrine, that he took up the superstitions of antiquity and rejected the morality; for while he thus enveloped the sacred person of Majesty with a political veil, which, by ancient superstition, was calculated to inspire awe and secure obedience, he was labouring to enfeeble the arm of Government, to cripple it in all its great and essential parts, to expose it to hostile attack and to contumely, to take from it the dignity which appertained to itself, and the use for which it was designed towards the people. Such was the tendency of this metaphysical doctrine—a doctrine which, though it might have found proselytes in the dark and gloomy days of antiquity, was not calculated for the intelligence and just understanding of the relative duties of Sovereign and subject at the present era.

" The honourable and learned gentleman, in the pursuit of his doctrine, had said, that his allegiance would continue during the life of the King, whatever might be the condition of his mind. That duty, loyalty, affection, and every rational sentiment which could animate the breast of an Englishman, would lead them all to venerate, to love, and to protect, the sacred person of his Majesty, however long and however calamitous his malady might prove, was a feeling so predominant, that it was not necessary to take up a moment of their time in asserting its existence. But when the honourable and learned gentleman stated this as the definition of allegiance, he must enter his protest against it. He, for his part, considered allegiance as a reciprocal duty, springing up in the heart in consequence of protection, and which was of equal existence. If the honourable and learned gentleman's definition of allegiance were true, and that it was not dependent either on the political capacity, or the exercise of political capacity, but on the bare personal existence of the King, then, all which they had heard that day from a right honourable and learned gentleman who spoke early (Mr. Dundas), and from the honourable and learned gentleman himself, that these limitations were but temporary, and that the time would come when they must be revised, and the full power be given to the Regent, was inconsistent and impossible. For whether the King's malady endured one year or thirty years, it was precisely the same in the contemplation of this doctrine, and the Legislature could not vest the full powers of the Crown in any other hands while the person of the King remained. That such were the latent designs of gentlemen on the other side of the House he did not doubt; and if the honourable and learned gentleman would speak out, he was sensible that he would say that this was his feeling and determination on the subject. In the present moment, they thought it prudent to conceal this intention. Gentlemen, however, could not be deceived—they would compare the argument with the assertion. The argument was, that he felt and acknowledged the immutable perfection of the King, to whom he had sworn allegiance. The assertion was, that if he did not recover within a short time, the two Houses must alter the present arrangement, and give to the Regent full authority!

"The honourable and learned gentleman had cursorily mentioned the time when, perhaps, it might be proper to review those restrictions. Perhaps at the end of a twelvemonth it might be proper. 'But,' says he, 'if, in the present instance, the House were to limit the duration of them to twelve or eighteen months, at which time they should cease of course, and the King should recover his faculties but a fortnight after the restraints had ceased, what evil consequences might not ensue from that single fortnight of uncontrolled power!' What consequences? Let us examine," said Mr. Fox, "what, even in the full stretch of the honourable and learned gentleman's fears, they are likely to be; and what, on the contrary, are likely to prove the consequences of passing this Regency Bill for an indefinite time. In this dreadful fortnight, the unrestrained Regent might, perhaps, in the full exercise of his authority, dismiss the lords of the bedchamber and change the white staves; nay, perhaps he might send a few gentlemen from the Commons up to the House of Peers. What is the mighty evil of this? At the end of one fortnight the King re-assumes his power—the bedchamber lords are sent for again, and the staves are replaced; all that remains of the evil are the peers who in that space may have been created. Compare this sum of evil with that which may ensue from making this regency indefinite as to term. The power of restoring to the executive government the just prerogatives which belong to the third estate, is taken away, and perhaps cannot be resumed. The House of Lords having gained the important point of preventing the Regent from adding to their number, may not, and they are not likely to, concede it again; and thus, during all the life of the Sovereign, if he shall continue indisposed, there would exist no power of resorting to that remedy against cabal and confederacy in the House of Lords, which the right honourable the Chancellor of the Exchequer himself had acknowledged to be a probable evil, for which the constitution had provided so prompt a remedy. The right honourable gentleman himself had, in the course of four years, granted forty-two peerages, although in that time he had not heard of any confederacy existing in that House against his measures. There was, he said, in the breasts of the great men of this country such a love for the Crown, that there was no fear of any factious measures being suffered to prevail. The peers were so distinguished for their love of the Crown, that there could be no apprehension of danger from the party whom he had sent into the House of Peers; but if the Regent were to make peers—if he, for instance, were so lavish of honours as to grant forty-two, in imitation of the right honourable gentleman, then such a cabal and confederacy might be formed as would endanger the safety of the King! Love for the Crown was to be extinguished if favour came from the Regent! The prerogative was harmless while executed under the auspices of the right honourable gentleman—it would become dangerous if put into the hands of the heir apparent! Of precisely the same spirit was their argument for placing the household in the power of the Queen. In her Majesty's hands it would be helpless, weak, and impotent, if applied to any political purpose; it could not affect one measure of the Regent's government; but if placed in the hands of the Regent, it would inevitably prevent *his* Majesty's return to power! To all this train of paradoxes there was one general solution—they wished to insinuate and to propagate the base and scandalous idea, however artfully for the time they disguised their purposes, that a division might take place between the mother and the son. They affected to hold out tolerably intelligible language that the son might combine against the mother; but, really, with the idea of leaving to the herd to imagine the converse of the proposition, and that, from history, it was as probable that the mother might combine against the son. He could not utter in terms of sufficient indignation his abhorrence of such a plan; and yet he was ready to confess that the machination for accomplishing the purpose was artfully laid. It was founded in an observation of human feelings; it was drawn in the speculation that, though in good minds there was a disposition to harmony, yet persons put into a state of competition, however nearly connected by blood, by duty, by affection, were thrown into a state of mutual jealousy, to a degree inseparable from human being. Thus we frequently saw that competition endangered the existence of the purest and the most tender feelings—that it sometimes broke the most intimate connexions; and it was, in truth, a maxim, that nothing characterised so truly and forcibly the features of a noble and god-like mind, as to continue free from jealousy in a state of competition. How much must those persons have to answer for, who, with a perfect and complete knowledge of this weakness of human nature, yet wickedly and wantonly pursued a measure calculated to involve the empire in the calamity! He trusted to Heaven that the purpose would be prevented. He had confidence in the ardent love and noble feelings which animated the bosoms of the distinguished persons; and he hoped that no artifices, however base—no advice, however fulsome, would prevail in overthrowing within their breasts the sentiments of what they mutually owed to the country.

"But the right honourable gentleman had remarked, that he was not to set up a factious opposition. He was one of those persons who had been so long accustomed to opposition, as to have a kindness for it. He was by no means unwilling to see an opposition strong, watchful, and systematic, because he thought that there might be a sincere as well as a systematic opposition. He conceived, however, that no opposition ought to be armed with such powers as the present scheme was calculated to give to those who should oppose the government of the Regent; for, as the patronage and emoluments of office fairly belonged to the servants of the Crown and to those who acted with them, so he thought it an incumbent duty on those who opposed Government, by relinquishing all share in that patronage and those emoluments, to give a pledge to the country for the sincerity of their opposition. It had been argued by an honourable gentleman, that without the household the Regent's government would have power enough; that it would have power enough for good purposes, and it ought not to have more. If it should be found that the Regent had power enough, then surely it behoved the House to resolve, either on the recovery of the present King or on the accession of his successor, to take from the Crown all those prerogatives which were withheld from the Regent. It should be a principle in all good government to give no power which was not actually necessary to its purpose, or, in other words, necessary to the power of doing good. The wisdom of our ancestors had vested in the hands of the King all the prerogatives of the Crown for the purpose of good government; and now we were to establish a Government without the powers which the Constitution declared to be essential to its well-being.

"Mr. Fox declared, that in going into office he expected to have the power, patronage, and emoluments of office; the emoluments were of little value, as the right honourable gentleman well knew, since every minister was obliged to incur expenses fully proportionate. But if he intended to be honestly useful, he must have the fair means of carrying those intentions into execution. If he had to employ confidential persons in national and necessary services, he must enjoy the means of rewarding them. If this were to be called ambitious, he pleaded guilty to the charge; it was, however, an ambition constitutional, and, in his mind, necessary. He would not, for a moment, put the case to gentlemen on the other side, on their grounds of estimation of the minister. He had, in the four years of his administration, proceeded to many acts wisely and beneficially for the country. Grant the fact; had he not done them, possessing and employing all the powers of the Crown, in the way of place, emoluments, and patronage? It was contended that the bedchamber lords were so well and so truly disposed to act with Government, that they never would resist a good measure. This was one of the inexplicable assertions which he did not know how to meet. Was it meant to say that this corps of officers had such a fund of sagacity to discover, together with such a fund of steadiness to pursue, what was right, that they acted of themselves, without leader or direction? He was ready to confess them to be good troops, and well disciplined, steady, and obedient, ready to be brought into the field of battle, and there firm and active while engaged; but they were all this only while under the command of the Crown. How did he know what they might do if put under another leader? This prætorian band* might turn back, and fly from the field. He wished that some generous friend of the minister would rise up, and honestly confess what ground he acted upon in this business:—that he distrusted the one side of the House, and that he voted for these restrictions because he had an implicit confidence in the other:—that the crooked politics of the Duke of Portland, the interested perfidy of Earl Fitzwilliam, the corrupt ambition of Lord John Cavendish, determined him against entrusting power in their hands; and that on the other side he could not discover even faint portraits of these Catilines and Cetheguses. It was his earnest wish that gentlemen, if they distrusted, would act constitutionally. If they preferred A. to B., the power of that House was yet, he trusted, sufficient to turn them out of office; and especially if the persons in office were of that description who bowed to the authority of Parliament. Instead of this manly and constitutional mode, the right honourable gentleman opposed men by crippling Government. To prevent that party from enjoying office whom he thought ineligible, he attacked and violated the constitution; he destroyed the balance of the three estates, and endangered, for an unlimited time, the existence of every thing essential in the Government to the well-being of the country. It was rather singular, also, that they did not perceive the positive weakness of their principal argument in another way. They objected to trust the household in the power of the Prince, because he might change the King's servants, and yet they put it into the power of the Queen, who might remove them at pleasure. Why might they not be changed by her Majesty and her Council of advice, as well as by the Regent? The danger was precisely equal. It had been contended that in the India bill they had attempted to establish a fourth estate, unlike the present, that would have made them for ever independent of the Crown and of Parliament. The precise fact was, that the India bill, whether a good bill or not, was limited in its duration,† and the fourth estate, as it was called, could not be revived without an especial act of Parliament. Now, the fourth estate to be erected by this resolution was to be established for ever; it had no period. 'But the patronage given to the fourth estate by the India bill,' say they, 'was given to subjects, instead of being given to the Crown.' It was given to subjects, undoubtedly; but it was taken from one body of subjects and given to another. It never did belong to the Crown. Now this fourth estate was taken from the Crown, in which the constitution had originally placed it, and given to a subject. He was astonished that the honourable gentleman (Mr. Pulteney) who had taken so active a part in exploring what he thought the hazards of the India bill, should shut his eyes on the present so much more enormous power of patronage seized on from the Crown, and put into distinct hands from the executive power.

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* *Vide ante*, p. 140.

† To the term of four years, *vide ante*, p. 110.

"With respect to the grounds of a speedy recovery, which the right honourable the Chancellor of the Exchequer held out, and which fact formed the only topic of his argument, he did not mean to say one syllable. If it were true, as it certainly was, that it must prove a serious thing to change the royal person, it was a more serious thing to change the nature of the royal office. It might be for a short time, it might be for a long time; it was certainly for an indefinite time that they were to change the constitution of the country, and all this was to be done on the report of the physicians. Physicians had acknowledged that the science of physic was the most uncertain of all the arts; and that of all the branches of physic, this particular malady was the most uncertain. So, then, they were for an unlimited time to change the nature of the third estate, to impoverish and weaken the executive arm, to create a new estate in the country; and all this on the report of the most uncertain case which came within the view of the most uncertain of all sciences. He had observed, that to change the nature of the kingly office was a more serious thing than to change the person of the King. The constitution provided only for the Crown. The King, according to the constitution, was nothing; the King might die, the King might be imbecile; the constitution, careful only of the Crown, was careless as to the precise ability of the King. It made the kingly office hereditary, from the consideration that the Crown being permanently and continually the same, full and authoritative, was less solicitous as to the person who was to wear the Crown, since it was guarded, guided, and restrained by positive laws. To entrench, therefore, on the Crown, was a truly serious point. Its prerogatives were to be put into the custody of the two Houses of Parliament, and they were proceeding to impair the Crown for the sake of the King. If it should be said that the two Houses of Parliament would, no doubt, restore the prerogatives now taken away, he would ask them how they could answer for their successors? An honourable baronet had signified a desire to know what the consequence would be of the demise of the Queen? If the Prince Regent should die, the course was easy and simple. The next Prince in succession, the Duke of York, if alive, or Prince William, would be appointed to the regency; but if the Queen should die, in whose hands would they place the custody of the King? In those of the Duke of York? Would they strive to divide the royal brothers? A task which, he believed, they would find as difficult as to remove the planets from their spheres. In whose hands would it be placed, joining therewith the patronage now to be entrusted with the Queen?

"It was said, 'Why object to this establishment, since an establishment for the Prince of Wales was never objected to on the score of its giving an influence?' This was a most extraordinary argument; because three or four places were not dangerous, it was asked, Why be alarmed at four hundred? Because £50,000 * did not appear dangerous in the hands of the heir apparent, who had a great house to maintain, were £300,000 to be divided? Besides, the Prince's establishment, the small revenue from Cornwall excepted, was in the gift, and annually depended on the pleasure of the King. Several lords in this country, and even some commoners, enjoyed a more ample revenue than the Prince of Wales, because they had occasion for a less burdensome establishment. It was idle and ridiculous, therefore, to compare the two points. The argument of the splendour of the King was still less to be regarded. What! did they mean to say that during the unhappy malady of the King, they wished to exhibit the royal person with all the equipage and regalia of state, which were only applicable to public situations! It was insulting to the wounded feelings of the royal family to imagine so indelicate and so gross a circumstance. Either from generosity, or in the spirit of reciprocity, an honourable gentleman (Mr. Pulteney) had contended that there was nothing in the present state of Europe which could give just reason for a strong government. This evidently alluded to the present deranged condition of France, of which the honourable member had lately been a spectator; and if the honourable gentleman meant that the low circumstances of France ought to induce us not to assail her when helpless, the argument had the generosity natural to the honourable member; but perhaps it was founded in that principle of reciprocity which had lately prevailed with respect to that rival power, that because she was lowered and embarrassed we must lower ourselves to her standard; that this was to be done on motives of reciprocal affection, for the purpose of preserving the good understanding which now subsisted between us undiminished. There was a fellowship in misery that endeared its objects to each other. 'Misery made us acquainted with strange companions;' it levelled the superiority of pride; it softened the asperities of opposition. Degraded and sunk to the condition in which France perhaps was at this moment, it would be thought an eligible mode of preserving her friendship, and prevent giving alarm to the rest of Europe. Unless for these reasons, he saw nothing in the present state of Europe to induce us to suffer, much less voluntarily to embrace, a weak Government.

"The right honourable the Chancellor of the Exchequer had not explained to the Committee two very essential points. If this household were to be established in the custody of the Queen, when was the provision which he spoke of as being necessary for the state of the Regent to be made, and what was to be the extent of it? This ought to have been mentioned. In his mind, the civil list would prove amply sufficient, both for the provision to the Queen, in her care of the King's person, and also for the state of the Regent,

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* An allowance of £50,000 a year, payable out of the civil list revenue, had been settled upon the Prince of Wales when he came of age, in 1783.

if this ridiculous and absurd scheme were not pursued. Upon this occasion," said Mr. Fox, "it might perhaps be a matter of delicacy to state the opinion of his Royal Highness, but he knew the sentiments of his Royal Highness to be, that it would be highly irksome to him, in the present melancholy and calamitous situation of the country, to add any new burdens for the purpose of increasing the state and dignity of his own situation." He added, "that perhaps it was not perfectly regular for him to state this, but as he knew it to be the sentiment of his Royal Highness, and did not consider the observation as improper, he had mentioned it to the Committee. The other point upon which he wished for information, was the ideas of the right honourable gentleman, whether these restrictions were to have a limited duration, and what he should think the proper time for their expiration." In conclusion, Mr. Fox expressed his certainty, "that when the public came to view the whole of this scheme, and to compare it with that fourth estate, of which they had heard so much, they would see that the present one contained all the mischiefs which were only attributed to the other, and that it was in truth calculated to confer a favour inconsistent with the good government of the country."

The resolutions being carried, were reported to the House, agreed to, and ordered to be delivered to the Lords at a conference. Having passed both Houses, they were, on the 30th of January, presented to the Prince and Queen by a committee of Peers and Commoners. To the joint address of the two Houses his Royal Highness returned this answer:—"My Lords and Gentlemen, I thank you for communicating to me the resolutions agreed to by the two Houses; and I request you to assure them, in my name, that my duty to the King my father, and my anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority, together with my respect for the united desires of the two Houses, outweigh in my mind every other consideration, and will determine me to undertake the weighty and important trust proposed to me, in conformity to the resolutions now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstances in which it is committed to my charge, in which, as I am acquainted with no former example, my hopes of a successful administration cannot be founded on any past experience. But confiding that the limitations on the exercise of the royal authority deemed necessary for the present, have been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which I ardently participate, that his Majesty's disorder may not be of long duration, and trusting in the meanwhile that I shall receive a zealous and united support in the two Houses and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope that my faithful endeavours to preserve the interests of the King, his crown, and people, may be successful." A similar address was voted to the Queen, who returned a short but grateful answer.

After the answers to the addresses had been read in the upper House, the

Lord President of the Council moved, that letters patent should pass under the great seal, empowering certain commissioners to open the Parliament. Among the names of the proposed commissioners which were inserted in the motion, were those of their Royal Highnesses the Prince of Wales, the Dukes of York, Cumberland, and Gloucester, and the principal Ministers of State.* The Duke of York said, " that, as he deemed the measure proposed, as well as every other which had been taken respecting the same subject, to be unconstitutional and illegal, he requested that his own name and that of the Prince of Wales should be withdrawn." The Duke of Cumberland also desired that his own name and that of the Duke of Gloucester might be omitted. The names of the Prince of Wales and the three Royal Dukes were, therefore, omitted, and, without any other alteration, the commission was voted.

On the 3rd of February, Earl Bathurst, in the absence of the Lord Chancellor, opened the session with a speech, merely pointing out the necessity of providing for the care of his Majesty's person, and for the administration of the royal authority during the continuance of his Majesty's illness.

On the 5th of February, Mr. Pitt introduced his Regency Bill, founded on the resolutions which had been voted by the two Houses. Its various clauses and provisions having undergone in detail much opposition, it was passed by the Commons † on the 12th of February, and ordered to be carried to the Lords. It had here been read a second time, and had made considerable progress in committee, when, on the 19th of February, the Lord Chancellor informed the House that his Majesty's physicians had pronounced him to be in a state of convalescence, and that, since his improvement was progressive, and the accounts which had been received that day of the state of his Majesty's health were so favourable, he conceived every noble lord would agree with him in acknowledging that it would be indecent and improper to go on with the proceedings in which they were engaged, when the cause of the bill might probably be removed. The House then adjourned to the 24th. On the day appointed, the Lord Chancellor informed the House, that he had that morning attended his Majesty, and that he appeared perfectly capable of conversing on any subject that might be proposed to him; he therefore moved a further adjournment, which being again repeated, he at length, on the 5th of March, stated that his Majesty found his health so much established that he was in hopes of communicating with him on the following Tuesday on public business.

On that day, the 10th of March, the commissioners previously appointed by letters patent, delivered a speech to the two Houses in his Majesty's name, and addresses of congratulation on his Majesty's recovery were moved and seconded in the Lords by Earl Chesterfield and Lord Cathcart, and in the Commons by Earl Gower and Mr. Yorke, and voted by both Houses.

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* See the form of the commission, Lords' Journals, vol. xxxviii. p. 344.

† For a copy of the Regency Bill, as passed by the House of Commons, see Parl. Hist. vol. xxvii. p. 1258, *et seq.*

MR. BEAUFOY'S MOTION FOR THE REPEAL OF THE TEST AND CORPORATION ACTS.

1789. At the period of the Restoration, the government of the cities and boroughs throughout the kingdom was chiefly in the hands of the Presbyterians. To dispossess them of these strongholds became the policy of Clarendon; and he accomplished his purpose by the Corporation Act, which, after a strong opposition in the Commons, was passed into a law.* By it commissioners were authorized to be appointed, with the power of removing at discretion every individual holding office in or under any corporation in the kingdom; and it was required that all persons permitted to retain their situations, should qualify themselves by renouncing the Solemn League and Covenant,† by taking the oaths of allegiance and supremacy, and by declaring, upon oath, their belief, that it was not lawful, upon any pretence whatever, to take up arms against the King, and their abhorrence of the traitorous position that arms may be taken up by his authority against his person, or against those who were commissioned by him. The act moreover provided that no person should thereafter be eligible to any office in any corporation who should not, within one year next preceding his election, have taken the Sacrament of the Lord's Supper according to the rites of the Church of England; he was also enjoined to take the oaths of allegiance and supremacy at the same time that he took the oath of office.

In the year 1673, the 25th of Charles the Second, the Test Act was passed. By this Act all persons appointed to any office, civil or military, or to any place of trust under the Crown, or who should receive any pay, salary, fee, or wages, under any patent, were required not only to take the oaths of allegiance and supremacy, and subscribe the declaration against transubstantiation in open court, within three months after their admission to such office or employment, but also, within the same time, to receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, in some public Church, under the penalty of £500, and of being disabled to sue in any court of law or equity, or to be guardian to any child, or executor or administrator to any person, or to take any legacy or deed of gift, or to bear any public office.

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* 13 Car. II. sess. 2, c. 1.

† The progress of Charles's army in the early part of the year 1743, dictated to the English Parliament the necessity of treating for a nearer union and confederacy with the Scotch nation. With this view Sir Harry Vane, the Earl of Rutland, Armyne, Hatcher, and Darley, with Marshall, a Presbyterian, and Nye, an Independent divine, were despatched to Scotland. By the persuasion of Vane, to whom the negotiation was chiefly entrusted, there was formed at Edinburgh, that Solemn League and Covenant, which effaced all former vows taken in both kingdoms, and long maintained its credit and authority. This covenant, besides mutual defence against all opponents, bound the subscribers to endeavour, without respect of persons, the extirpation of popery, prelacy, superstition, heresy, schism, and profaneness; to establish a conformity of doctrine, discipline, and church government throughout the island; to maintain the rights and privileges of Parliament, together with the King's authority; and to discover and bring to justice all incendiaries and malignants.—Hume's History of England, vol. v. p. 154, Edit. 1841.

The oath of supremacy and the declaration against transubstantiation were sufficient to exclude the Roman Catholics from office: the obligation of receiving the Sacrament according to the rites of the Church of England was unnecessary as far as it regarded them, but it operated effectually to the exclusion of the Dissenters.

With the bill for the test was introduced another "for the ease of Protestant Dissenters;" and thus their objection to the first was neutralized by their hopes from the second. But while one passed rapidly through the House, the other crept slowly on. After much reasoning on the nature and purposes of toleration, it was agreed by the Commons to limit the benefit of the proposed measure to those nonconformists only, whose objections to the Church respected her discipline alone, and had no reference to the articles of her belief. In this shape the bill was forwarded to the Lords, where it received numerous amendments; to some of these the Commons objected, and before the two Houses could accommodate their difference of opinion a prorogation was announced. The hopes of relief which the Dissenters had been encouraged to cherish were thus utterly extinguished.*

On the 28th of March, 1787, Mr. Beaufoy introduced the subject of the repeal of the Corporation and Test Acts, so far as they related to Protestant Dissenters, and moved, "That this House will immediately resolve itself into a committee of the whole House, to consider of so much of the acts of the 13th and 25th of Charles the Second as requires persons, before they are admitted into any office or place in corporations, or having accepted any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord's Supper, according to the rites of the Church of England." On a division the motion was lost by a majority of 178 to 100.

1789, *May* 8. On this day Mr. Beaufoy renewed his attempt in favour of the Dissenters, by moving that the House should resolve itself into a committee to consider of so much of the Corporation and Test Acts as required persons before admission to any office in corporations, or accepting any office, civil or military. to receive the Sacrament of the Lord's Supper according to the rites of the Church of England. The motion was opposed by Lord North and Mr. Pitt, and supported by Sir Harry Hoghton, Sir James Johnstone, Mr. Fox, Mr. Martin, and Mr. William Smith.

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* Lingard, vol. xii. p. 40, and p. 269, *et seq.* By 9 Geo. IV. c. 17, such parts of the Corporation and Test Acts as impose the necessity of taking the Sacrament of the Lord's Supper as a qualification for the several offices therein respectively mentioned are repealed; and a declaration by the persons elected or appointed thereto, that they will never exercise any influence which they may possess by virtue of their offices to injure the Protestant Church as it is by law established in England, or to disturb the bishops and clergy in the possession of any rights to which they may be by law entitled, is substituted. And by the Roman Catholic Relief Act, 10 Geo. IV. c. 7, the acts relating to the declaration against transubstantiation are repealed, and Roman Catholics, upon taking the oath therein prescribed, instead of the oaths of supremacy, allegiance, and abjuration, are permitted to hold office under the Crown, or to be members of any lay corporations. For the further provisions of this act, see the Act itself.

Mr. Fox said that, "on the present occasion he did not feel himself under the necessity of trespassing for any length of time upon the indulgence of the House, because the nature of the subject now under their investigation had been so thoroughly examined, and so amply and variously reasoned upon, not merely within the walls of Parliament, but in every corner of the kingdom, that it was not in his power to give the force of novelty to arguments which, by the frequency of their repetition, must still live within the general remembrance. He could not avoid declaring at the outset, that he experienced an insurmountable difficulty in submitting to that opinion of the honourable gentleman who spoke last (Mr. W. Smith), which had led him to describe the reasonings of the noble lord in the blue ribband as weak, fallacious, and pompous nothings. Although even the solid and brilliant abilities of the noble lord could not impart an irresistible weight to that side of the question which he had chosen to espouse, yet their exertions were too formidably respectable to be laid open to the lash of either levity or contempt. He was, however, so much accustomed to find the House adopt a contrary opinion to that which he endeavoured to maintain, that he was apprehensive the noble lord's arguments would have more weight with the majority of the House than his own. Whatever sentiments gentlemen might have formed with respect to religion, with respect to an established church, to toleration, or to the length to which it ought to extend, there could, in his opinion, be no objection to a motion which went only to a committee of inquiry. If the Corporation and Test Acts should appear to be wrong in their principle, they certainly ought to be repealed; if they were right in their principle, it might perhaps be found that they were inadequate to the purpose for which they were enacted. In either case, examination and inquiry might do much good, and could not possibly prove injurious.

"The first question which naturally presented itself was, whether the church and the constitution were necessarily connected and dependent on each other, and in what degree? And on this point the House, he trusted, would be careful how they assented to the proposition of the noble lord. For his own part he should not scruple most unequivocally to declare that he conceived that religion should always be distinct from civil government, and that it was no otherwise connected with it, than as it tended to promote morality among the people, and thus conduced to good order in the state. No human government had a right to inquire into private opinions, to presume that it knew them, or to act on that presumption. Men were the best judges of the consequences of their own opinion, and how far they were likely to influence their actions; and it was most unnatural and tyrannical to say, "As you think so must you act. I will collect the evidence of your future conduct from what I know to be your opinions." The very reverse of this was the rule of conduct which ought to be pursued. Men ought to be judged by their actions, and not by their thoughts. The one could be fixed and ascertained, the other could only be matter of speculation. So far was he of this opinion, that if any man should publish his political sentiments, and say in writing that he disliked the constitution of this country, and give it as his judgment, that principles in direct contradiction to the constitution and government were the principles which ought to be asserted and maintained, such an author ought not, in his judgment, on that account to be disabled from filling any office, civil or military; but if he carried his detestable opinions into practice, the law would then find a remedy, and punish him for his conduct, grounded on his opinions, as an example to deter others from acting in the same dangerous and absurd manner. No proposition could, he contended, prove more consonant to common sense, to reason, and to justice, than that men should be tried by their actions and not by their opinions; their actions ought to be waited for, and not guessed at as the probable consequence of the sentiments which they were known to entertain and to profess. If the reverse of this doctrine were ever adopted as a maxim of government—if the actions of men were to be prejudged from their opinions, it would sow the seeds of jealousy and distrust; it would give scope to private malice; it would sharpen the minds of men against one another; incite each man to divine the private opinions of his neighbour; to deduce mischievous consequences from them, and thence to prove that he ought to incur disabilities and be fettered with restrictions. This, if true with respect to political, was more peculiarly so with regard to religious opinions: and from the mischievous principle which he had described flowed every species of party zeal, every system of political intolerance, every extravagance of religious hate.

" In this position, that the actions of men and not their opinions were the proper objects of legislation, he was supported by the general tenor of the laws of the land. History, however, afforded one glaring exception in the case of the Roman Catholics. The Roman Catholics, or, more properly speaking, the Papists, as the noble lord had very justly called them (a distinction which he trusted was perfectly understood by all who heard him, and would ever be maintained by the English Roman Catholics in time to come), had been supposed by our ancestors to entertain opinions which might lead to mischief against the state. But was it their religious opinions that were feared? Quite the contrary. Their acknowledging a foreign authority paramount to that of the Legislature; their acknowledging a title to the Crown superior to that conferred by the voice of the people; their political opinions, which they were supposed to attach to their religious creed, were dreaded, and justly dreaded, as inimical to the constitution. Laws, therefore, were enacted to guard against the pernicious tendency of their political, but not of their religious opinions; and the principle thus adopted, if not founded on justice, was at least followed up with consistency. Their influence in the state was feared, and they were not only restricted from holding offices of power or trust, but rendered incapable of either purchasing lands or acquiring influence of any kind. But if the Roman Catholics of those times, and not the Roman Catholics of the present day, were Papists in the strictest sense of the expression, even upon this ground," Mr. Fox observed, that "he should hold himself justified in declaring that the Legislature ought not to have acted against them, until, by carrying into practice some of the dangerous doctrines which they were thought to entertain, they had rendered themselves obnoxious to those penalties which, in the case of such a perpetration, it threatened to inflict. Disability and punishment ought to have followed, but not to have anticipated, offence.

"Those who attempted to justify the disabilities imposed on the Dissenters, must contend, if they argued fairly on their own ground, not that their religious opinions were inimical to the Established Church, but that their political opinions were inimical to the Constitution. If they had failed to prove this, to deprive the Dissenters of any civil or political advantage were a manifest injustice; for it was not sufficient to say to any set of men, 'We apprehend certain dangers from your opinions, we have wisely provided a remedy against them, and you who feel yourselves aggrieved, calumniated, and proscribed by this remedy, must prove that our apprehensions are ill founded.' The *onus probandi* lay on the other side; for whoever demanded that any other person should be laid under a restriction, it was incumbent on him first to prove that the restriction was necessary to his safety by some overt act, and that the danger which he apprehended was not imaginary but real. To such a ground as this the noble lord in the blue ribbon had not endeavoured to advance; but, on the contrary, had expressed himself concerning the Dissenters in terms the most liberal and handsome. For what reason? Because he felt that encomiums of this nature must be considered as a candid adherence to true propriety and to the principles of common justice. He knew that they had been steady in their attachment to Government; that their religious opinions were favourable to civil liberty, and that the true principles of the constitution had been remembered and asserted by them at times when they were forgotten, perhaps betrayed, by the Church.

"Such had been the character of the Dissenters. Were their political opinions now different from what they had been at any one preceding era? Were they more formidable from their numbers, more dangerous from their principles, more considerable in any respect, except, perhaps, from the talents of some of their members? No assertion of this kind had been ever made; and the noble lord finding their exclusion from an equal participation of power with their fellow-subjects, a topic on which it was impossible for him to serve his cause, had entered on a more pleasing theme—a panegyric on the Church of England, which, he said, had shared the dangers and the fate of the State—had sunk and risen with the constitution, and therefore ought to be peculiarly endeared to us. He felt no difficulty in acknowledging the justice of this encomium, but he could not consent to adopt the conclusion, that the happiness of the State was dependent on the flourishing state of the Church; for who that perused the history of those dangers which the Church had shared in common with the State, but must see that the Church might have been triumphant while the State was in ruin. Was it seriously to be contended that religion depended on political opinions; that it could subsist only under this or that form of government? It was an irreverent and impious opinion to maintain that the Church must depend for support on being an engine or ally of the State, and not on the evidence of its doctrines to be found by searching the Scriptures, and the moral effects which it produced on the minds of those whom it was its duty to instruct.

"The noble lord had praised the moderation of the Church. To this, however, there were some exceptions. In the reign of Charles the Second, her fortitude had been greater than her moderation; in that of James the Second, her servility had been greater than either; under King William, and still more under Queen Mary, so little had the clergy been distinguished for moderation, that they frequently disturbed the nation by their affected alarms for the safety of the Church, and he never apprehended persecution to be so near as when those who were actually possessed of power cried out that they were in danger; thus justifying the truth of the well-known remark, 'Omnia formidant, formidanturque tyranni.' Since the accession of the house of Brunswick, that auspicious era in the history of the constitution, the Church had merited every praise, because it had not been indulged in either its whims or its imaginary apprehensions. Since that time, it had flourished and improved; but how? By toleration and moderate behaviour. And how had these been produced? By the members of the Established Church being forced to hear the arguments of the Dissenters; by their being obliged to oppose argument to argument, instead of imposing silence by the strong hand of power; by that modest confidence in the truth of their own tenets and charity for those of others, which the collision of opinions in open and liberal discussion among men living under the same government, and equally protected by it, never failed to produce. Moderation, therefore, and indulgence to other sects, were equally conducive to the happiness of mankind, and the safety of the Church; and for that moderation and liberality of sentiment, by which the Church had flourished during the two last reigns and the present, was she indebted to those very Dissenters from whom she thought herself in danger.

"With regard to the Test Act, he thought that the best argument which could be used in its favour was, that if it had but little good effect, it had also little bad. In his opinion, it was altogether inadequate to the end which it had in view. The purport of it was, to protect the Established Church, by excluding from office every man who did not declare himself well affected to that church. But a professed enemy to the hierarchy might go to the communion table, and afterwards say, that in complying with a form enjoined by law, he had not changed his opinion, nor, as he conceived, incurred any religious obligation whatever. There were many men, not of the Established Church, to whose services their country had a claim. Ought any such man to be examined before he came into office touching his private opinions? Was it not sufficient that he did his duty as a good citizen? Might he not say, without incurring any disability, 'I am not a friend to the Church of England, but I am a friend to the constitution, and on religious subjects must be permitted to think and act as I please?' Ought their country to be deprived of the benefit which she might derive from the talents of such men, and his Majesty prevented from dispensing the favours of the Crown, except to one description of his subjects? But whom did the test exclude? the irreligious man, the man of profligate principles, or the man of no principle at all? Quite the contrary. To such men the road to power was open. The test excluded only the man of tender conscience; the man who thought religion so distinct from all temporal affairs, that he held it improper to profess any religious opinion whatever for the sake of a civil office. Was a tender conscience inconsistent with the character of an honest man? or did a high sense of religion show that he was unfit to be trusted?

"But the noble lord contended that the Established Church ought to be protected. Granting this, it was next to be inquired, what was the Established Church? Was the Church of England the established church of Great Britain? Certainly not; it was only the established church of a part of it; for in Scotland the Kirk was as much established by law as the Church was in England. The religion of the Kirk was wisely secured as the established religion of Scotland by the Articles of Union; and it was surely absurd to say, that a member of the Kirk of Scotland accepting an office under government, not for the service of England exclusively, but for the service of the united kingdoms, should be obliged to conform, not to the religious establishment of Scotland, in which he had been bred, but to the religious establishment of England. It was singular to contend for any principle of persecution, when the only principle on which it could ever have been reconciled to a rational mind was abandoned, not only in speculation, but in practice. In ancient times, persecution originated in the generous, though mistaken principle, that there could but be one true religion, but one faith, by which men could hope for salvation; and that it was not only lawful, but meritorious, to compel them to embrace the true faith by all the means, of whatever nature they might prove, which offered. The rectitude of the intention might, perhaps, be some excuse for the barbarity of the practice. But how did we act? We acknowledged, not one true religion, but two true religions; a religion for England, and a religion for Scotland; and having been originally liberal in the institution of two Churches of equal right, we became illiberal in our more enlightened days, and granted to the members of one Established Church what we denied to those of another equally established. According to this doctrine of protecting the Church of England, if the practice had kept pace with the principle, the country must have been deprived of all those gallant characters of the Kirk of Scotland who had so eminently distinguished themselves in the army and the navy; and of all those celebrated legislators and senators who had added learning and dignity to the courts of justice, and wisdom to his Majesty's councils. If tests were right, the present was clearly a wrong test, because it shunned all the purposes for which tests were originally introduced.

"The candour of the noble lord, and the information which, doubtless, he had collected upon inquiry since," Mr. Fox said, "had enabled him to satisfy the House in a point which had not been answered two years ago, and that was in the case of a person who was a notorious evil-doer, who applied for the sacrament. The manner of the noble lord's answer was rational,* and, from the good sense of it, he had no doubt that it was the true answer; but upon this ground it might be proper to take a serious view of the melancholy situation of the person who, upon application to a minister, had been refused the Sacrament. From that very moment did he incur the penalties of the act; from that moment was he punished in a manner perfectly unexampled, and unauthorized by the laws of the land; from that moment was he convicted without a trial by jury, and disabled from enjoying an office which his Majesty, in the legal exercise of his prerogative, might have thought proper to confer upon him.

"Much boasted reliance had been placed upon the old argument of the length of time that the Test and Corporation Acts had subsisted. It was true, that they had so subsisted for nearly a century: but how had they subsisted? By repeated suspensions; for the indemnity bills were, he believed, literally speaking, annual acts.† With regard to the noble lord's argument relative to the evading of these indemnity bills, he admitted that if any person neglected to conform merely for the sake of evading the law, he certainly acted in direct opposition to an act of parliament, and did not conduct himself as a good subject ought to do. While an act was deemed fit to remain in force, it was the duty of every good subject not to evade it. Indeed, the only justification of evading a statute which could be for a moment maintained, was where that statute notoriously ought not to remain in force. He trusted, however, that the House would consent to go into the committee, to examine whether it was fitting or necessary to be repealed or not, and not deny the requisition, as if they were ashamed even to look at the statutes in question. He trusted that it was scarcely necessary to remind the House that, in consequence of a violent alarm from the Papists, the Test Act had been introduced, with a view to exclude them, and them only, from office; that the Dissenters had cordially joined in it, and consented to their own exclusion, thinking that a less evil than to leave the door open to Papists. And is it possible, therefore, (added Mr. Fox,) that you can thus ungenerously requite them; thus take a most unbecoming advantage of their patriotism, and convert what they consented to as necessary for the general safety at that time, into a perpetual exclusion against themselves? Is it thus that the Church would reward the service which they had done her in the day of her distress?"

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* Lord North said, that "if any notorious evil-doer offered himself to receive the Sacrament, he might be rejected; and his having, or not having, a place did not make the case at all different. The minister might reject him; nor did such rejection render the minister liable to any punishment. If the minister had good reason to believe the person applying for the Sacrament was an evil-doer, he might refuse it."—Parl. Hist. vol. xxviii. p. 26. But see Burn's Eccl. Law, vol. iv. pp. 425.

† Before the end of every session of parliament an act was passed to indemnify all persons who had not complied with the requisitions of the Corporation and Test Acts, provided they qualified themselves within a time specified in the act; and provided also, that judgment in any action or prosecution had not been obtained against them for their former omission.

Adverting to the Occasional Conformity Act, which had been repealed a few years since, Mr. Fox observed, "that they had heard, during the course of the debate, that the Church of England was in its glory. The Church of England, therefore, according to the arguments of the noble lord, and the advocates for the continuance of the statutes, which, he contended, were at once too needless and too unjust to remain in force any longer, had not suffered, but gained by what they feared would have proved detrimental to her interests. The Dissenters had been stated to be pious and good men; but it had been said that they might nevertheless be no friends to the Church of England. Surely, if they were dangerous anywhere, it must be as members of Parliament, and as electors of the representatives of the people; and yet they were suffered to sit as the one, and vote as the other. Mr. Fox declared that, for his own part, he was a friend to an established religion in every country, and wished that it might always be that which coincided most with the ideas of the bulk of the State, and the general sentiments of the people. In the southern parts of Great Britain, Hierarchy was the established Church, and in the northern, the Kirk; and for the best possible reason, because they were each most agreeable to the majority of the people in their respective situations. It would, perhaps, be contended, that the repeal of the Corporation and Test Acts might enable the Dissenters to obtain a majority. This he scarcely thought probable; but it appeared fully sufficient to answer, that if the majority of the people of England should ever be for the abolition of the Established Church, in such a case the abolition ought immediately to follow.

"To the opinion of the honourable gentleman who opened the debate, that there were too many oaths imposed by the statutes in force, Mr. Fox observed that he most thoroughly assented. What, he desired to know, could be a greater proof of the indecency resulting from the practice of qualifying by oaths, than if, when a man was seen upon the point of taking the sacrament, it should be asked, 'Is this man going to make his peace with Heaven, and to repent him of his sins?' the answer should be, 'No; he goes to the Communion table only because he has lately received the appointment of First Lord of the Treasury!' When the noble lord in the blue ribbon represented the Corporation Act to have been forced from the

Legislature as an act of self-defence, he might truly be said to have entered into the exact description of an act which, after the lapse of a century, when the grounds and reasons for passing it no longer existed, ought to be repealed. The noble lord had accurately stated that the Corporation Act was forced from the Legislature in the reign of Charles the Second, by the violence of the sectaries, which had not only overturned the Church, but the State, and that so lately, that, threatening to do the same again, it became necessary to apply a present preventive, to guard against the impending danger. No better argument, he repeated, need be urged against it now, than that it had been extorted a century ago from the legislature, by resentment of past and the dread of future injuries. Fear and indignation had operated on the parliament of Charles the Second. Did the same motives operate on the parliament of George the Third? Certainly not; and could there be any reason for continuing an act, when the violence which gave birth to it had long since subsided? Party and religion were separate in their views and in their nature; and as it was for the reputation of both that they should remain so, he therefore urged the injustice of harassing with penalties, disabilities, and statutable restrictions, the Dissenters; a respectable body of men, whose morals were not inconsistent with the religion of the Church of England, and whose sentiments were favourable to the family on the throne.

"It had been said, that in France it was customary for Protestants to be employed in the army and in civil offices, and that in Protestant countries abroad Papists were also employed. For the purpose of invalidating this remark, the noble lord had given an ingenious and able answer; but let it be examined. The noble lord had said, that the monarch of a free country was limited, while the employing whom the prince pleased was one of the trivial advantages incidental to absolute power. Let not, then, Great Britain be the last to avail herself of such an advantage. Wisdom had been described as the offspring of freedom; and should a people who boasted of their freedom, and amongst whom, he firmly believed, men of enlightened understandings were more common than among those who lived under a less happy form of government, reject those liberal principles of toleration which other nations had adopted? It was upon such a ground that, addressing himself to the Church of England in particular, he felt himself justified in accosting her, as a friendly adviser, in language to this effect:

"Tuque prior, tu parce, genus qui ducis Olympo!"

And surely the Church of England ought, if possible, more than any other ecclesiastical establishment upon earth, practically to inculcate the glorious idea that indulgence to other sects, the most candid allowance for the diversity of their opinions, and a sincere zeal for the advancement of mutual charity and benevolence, were the truest and the happiest testimonies which she could give of the divine origin of her religion!" Mr. Fox concluded with giving his hearty assent to the motion.

On a division, the motion was rejected by a majority of 122 to 102.

MR. FOX'S MOTION FOR THE REPEAL OF THE TEST AND CORPORATION ACTS.

1790. *March* 2. The very small majority by which Mr. Beaufoy's motion for the relief of Protestant Dissenters had been rejected last year, induced that body to renew their application to Parliament; and they resolved to entrust their cause to the zeal and talents of Mr. Fox. Accordingly, this day,

Mr. Fox, agreeably to the notice he had given, rose to make his intended motion for the Repeal of the Test and Corporation Acts. He requested the Act of the 13th of Charles the Second, for the well governing and regulating of Corporations, as well as the Act of the 25th of the same reign, for the prevention of danger from Popish Recusants, might be severally read by the clerk. He then observed, "that as the question he was about to submit to the consideration of the House that day had excited such great and general expectation, as well in that House as in the country at large, he held it his indispensable duty to state the reasons which induced him, on the present occasion, to move the question, which, in two former sessions, had been brought forward by another honourable gentleman, and had been so ably argued and so amply discussed by the House. He was confident the cause of which he stood that day the advocate, had better have remained in the hands to which it had been entrusted on former occasions: he, however, assured the House that he did not obtrude himself upon those most interested in the success of the motion; nor was he under any particular obligations to the parties who considered themselves aggrieved and oppressed by the acts in question; yet, regarding their cause as the cause of liberty and truth, to which he should ever profess the most unalienable attachment, he did not hesitate to stand forward the advocate of civil and religious liberty, even in favour of men who had, on different occasions, acted hostilely towards him. It afforded him, however, a matter of triumph and exultation to observe that, though in former times he had not enjoyed much of the confidence of that description of men who were the object of his motion, yet his vanity was not a little flattered by the good opinion they must now entertain of him, whom they had solicited with such importunity to conduct the management of their cause, notwithstanding their former difference of political opinions.

"The present was the period which demanded of public men a free and candid explanation of their political sentiments. In considering the case of the Dissenters, the first argument which naturally presented itself was that spirit of intolerance and persecution which dictated the oppressive acts, the present subject of grievance and complaint. He conceived it utterly impossible to view any species of persecution, whether civil or religious, without horror and detestation; and therefore the proceedings of a neighbouring nation, in regard to that part of their constitution, so far, in his opinion, from being a subject of censure, merited the esteem and applause of a great people; who were investigating the first principles with a view to secure the rights of men, and were wisely applying them to the abolition of that spirit of persecution and intolerance which had for a long period disgraced their government. Were we to recur to first principles, and observe the progress of the Christian religion in the first stages of its propagation, we should perceive that no vice, evil, or detriment, had ever sprung from toleration. Persecution had always been a fertile source of much evil; perfidy, cruelty, and murder, had often been the consequence of intolerant principles. The massacres at Paris, the martyrdoms of Smithfield, and the executions of the Inquisition, were among the many horrid and detestable crimes which had, at different times, originated solely from persecution. To suppose a man wicked or immoral merely on account of any difference of religious opinion, was as false as it was absurd; yet this was the original principle of persecution. Morality was thought to be most effectually enforced and propagated by insisting on a general unity of religious sentiments; the dogmas of men in power were to be substituted in the room of every other religious opinion, as it might best answer the ends of policy and ambition. It proceeded entirely on this grand fundamental error, that one man could better judge of the religious opinion of another than the man himself could. Upon this absurd principle, persecution might be consistent; but in this it resembled madness: the characteristic of which was acting consistently upon wrong principles. The doctrines of Christianity might have been expected to possess sufficient influence to counteract this great error; but the reverse had proved to be the case. Torture and death had been the auxiliaries of persecution; the grand engines used in support of one particular system of religious opinion, to the extermination of every other. Toleration proceeded on the direct contrary principles. Its doctrines, he was sorry to say, even in this enlightened age, were but of a modern date in any part of the world. Before the reign of King William it had not a footing in England. The celebrated Act of Toleration of that reign,* notwithstanding the boasted liberality of its principle, was narrow, confined, and incomplete. Persecution, indeed, originally might be allowed to proceed on this principle of kindness; to promote a unity of religious opinion, and to prevent error in the important matters of Christian belief. But did persecution ever succeed in this humane and truly charitable design? Never. Toleration, on the other hand, was founded on the broad and liberal basis of reason and philosophy. It consisted in a just diffidence of our own particular opinion, and recommended universal charity and forbearance to the world around us. The true friend of toleration ought never to impute evil intentions to another, whose opinions might, in his apprehension, be attended with dangerous consequences. The man professing such opinions might not be aware of any evil attached to his principles; and, therefore, to ascribe to such a person any hostile intention when his opinions only might be liable to exception, was but the height of illiberality and uncharitableness.

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* 1 Wm. & Mary, c. xviii. This statute exempted from the penal laws against Popish recusants, (except the Test Acts), such Dissenters as should take the oaths of allegiance and supremacy, (or make a similar affirmation being Quakers), and subscribe the declaration against Popery, and such Dissenting ministers as should also subscribe the Thirty-nine Articles, except the thirty-fourth, thirty-fifth, and thirty-sixth, these words of the twentieth article, namely, "The Church hath power to decree rites or ceremonies, and authority in controversies of faith;" and that part of the twenty-seventh touching infant baptism. The act was not, however, to extend to such Dissenters as should hold meetings for religious worship with bolted doors; nor was it to be construed to exempt Dissenters from the payment of tithes, or other parochial duties. It provided that in case any Dissenters should be elected to any parochial office, and should scruple to take the oaths of allegiance and supremacy, and sign the declaration against Popery, he should be allowed to execute the office by deputy. Meeting-houses were required to be registered, and were protected from insult by a penalty. No part of this toleration was extended to Papists, or to such as denied the Trinity.

"Thus, much obloquy and unfounded calumny had been used to asperse the character of the Roman Catholics, on account of the supposed tendency of their religious tenets to the commission of murder, treason, and every other species of horrid crimes, from a principle of conscience. What was this but a base imputation of evil intentions, from the uncharitable opinions entertained of that profession as a sect? He lamented their errors; rejected their opinions, which appeared dangerous; was ready to confide in their good professions; and was willing to appeal to the experience of this enlightened age, if they had not been accused unjustly and condemned uncharitably. For would any man say, that every duty of morality was not practised in those countries in which the Roman Catholic religion was established and professed? Would it not be an imputation as palpably false as it would be illiberal, for any one to utter such a foul, unmerited, and indiscriminate calumny? But this was always the haughty, arrogant, and illiberal language of persecution, which led men to judge uncharitably, and to act with bitter intolerance. Persecution always said, 'I know the consequences of your opinion better than you know them yourselves.' But the language of toleration was always amicable, liberal, and just; it confessed its doubts and acknowledged its ignorance. It said, 'Though I dislike your opinions, because I think them dangerons, yet since you profess such opinions, I will not believe you can think such dangerous inferences flow from them which strike my attention so forcibly.' This was truly a just and legitimate mode of reasoning, always less liable to error, and more adapted to human affairs. When we argued *à posteriori*, judging from the fruit to the tree, from the effect to the cause, we were not so subject to deviate into error and falsehood as when we pursued the contrary method of argument. Yet persecution had always reasoned from cause to effect, from opinion to action, which proved generally erroneous; while toleration led us invariably to form just conclusions, by judging from actions and not from opinions. Hence every political and religious test was extremely absurd; and the only test, in his opinion, to be adopted ought to be a man's actions.

"He had the most perfect conviction that test laws had nothing to do with civil affairs. A view of civil society throughout the world must convince every reasonable person that speculative opinions in religion had little or no influence upon the moral conduct; without which all religion were vain. Such was the great absurdity of the present test laws, that a man who favoured arbitrary power in his sentiments—who should consider the abolition of trial by jury as no violation of liberty—nor the invasion of the freedom and law of Parliament any infraction of the constitution—such a man, in defiance of the present test laws, might easily pave his way to the very first situations in the State. There was no political test to bind him; the custom of the country had deservedly exploded such absurd restraints. No alarm was excited by political speculations: the law considered no man's opinions either hostile or injurious to the State until such opinions were reduced into action. Then, and then only, was the law armed with competent authority to punish the offender.

"Should it be argued that certain religious opinions might indirectly affect the constitution of the Established Church were all sects admitted alike to hold civil employments without conforming to the test laws, he should contend that the constitution was equally in danger from civil opinions. Every member of Parliament was required to declare his dissent to the doctrine of transubstantiation; but was the speculative opinion of any member of the House any consideration to his constituents? Did they think it of any consequence whether or not he believed in the real presence? whether he was a Trinitarian, a Unitarian, or an Anabaptist? Certainly not. For whatever a man's opinions might be, he would repeat his former affirmation, that no harm could possibly arise from them to the State, unless they should be brought into action; and then they certainly would become objects of punishment. To exclude any description of men, therefore, from a participation of the common rights which their fellow-citizens enjoyed, was highly unjust and oppressive; unless it were contended, that religious opinions ought to be taken as the criterion of political principles. But to judge of morals from opinion was always a fallacious mode of reasoning. The House, he trusted, would never abandon general and fundamental principles on the ground of partiality. They should judge of men not from the imputations of their adversaries, but from their own conduct.

"The object of the test laws at first had been to exclude anti-monarchical men from civil offices, but he would ever reprobate such a procedure; it was acting under false pretences; its tendency led to hypocrisy and served as a restraint upon the good and conscientious only. Instead of a formal and direct oath of allegiance there was an indirect, political test resorted to, by means of a religious test; although the obligation of all direct political tests had been justly exploded by the practice of the country. Why not have proposed a monarchical test at once? It would have answered the end far more effectually than the present test; for the test now given went only to guess at a man's opinion: it might admit those whose political sentiments might be inimical to the constitution, while it operated directly against others who were amongst its staunchest friends. Such was the absurdity, injustice, and oppression of the present test laws that he sincerely hoped every friend of toleration, every advocate of Christian charity, would join with him that day in reprobating measures which were the disgrace of a free government.

" He should decline all minute detail of the loyalty and good conduct of the Dissenters from the Revolution to the present period, as he wished all merit and demerit to be put entirely out of the question. Supposing, indeed, demerit had existed, it would by no means follow that the test laws ought to be continued in force, since they operated to the prejudice of the civil rights of a body of men. A report had been but too successfully propagated, he verily believed, with an intention to separate individuals from the cause they had espoused. It was a mean and unfair attempt; it led to the worst species of persecution ; and he sincerely hoped no real friend to toleration would ever countenance it: for it went so far as to disapprove of a whole body, on account of the conduct of individuals who formed a part only of that body. The opinions of another in matters of religion ought always to be supposed to be founded on good intentions. As unjust would it be to deprive a single individual, whose conduct had always been meritorious, of any of his civil rights, on account of any exceptionable conduct in the general body to which he belonged. All merit or demerit, therefore, in the body of Dissenters was quite out of the question ; and the House had only to decide on general principles.

" Indisposed, however, as he was to allow merit or demerit any weight in the discussion of the present question, yet he could not forbear observing, that the conduct of the Dissenters had not only been unexceptionable, but also highly meritorious. They had deserved well of their country. When plots had been concerted, combinations formed, and insurrections raised, against the State; when the whole country was in a state of alarm, distraction, and trouble; when the constitution, both ecclesiastical and civil, was in immediate danger of subversion; when the Monarch trembled for the safety of his throne, crown, and dignity; the Dissenters, instead of being concerned in the dangerous machinations forming against the Government, proved themselves in the hour of peril and emergency the firmest support of the State. During the rebellions of 1715 and 1745, they cheerfully had exposed their persons, lives, and property, in defence of their King and country ; and by their noble exertions our enemies were defeated, our constitution preserved, and the Brunswick family continued in possession of the throne. They were then, as they are now, incapacitated from holding commissions, civil or military, in the service of their country. Did they plead their incapacity, and the penalties to which they were subject ? No : they freely drew their swords ; they nobly transgressed the laws which proscribed them ; and successfully fought the battles of our constitution. For this gallant behaviour all the retribution they ever obtained was an Act of Indemnity—a pardon for doing their duty as good citizens, in rescuing their country in the hour of danger and distress! Such were the absurdities of the laws framed on the monstrous principles of persecution, which extend equally to the commissioned officers of the army and navy of the Established Church of Scotland, who are obliged, under the penalty of fine and deprivation of their civil rights as citizens, as much as the Dissenters, to conform to the test laws. Though the generosity of the British Parliament had been conspicuous in pardoning the Dissenters for their illegal display of bravery and loyalty in the season of emergence and apprehension, yet the officers belonging to the Church of Scotland had not experienced the same indulgence; no Act of Indemnity had been passed in their favour. The test laws, indeed, were not put in force against them; yet they were liable to penalties and incapacities, in consequence of their acceptance of their respective civil offices. The House ought to relieve those men, to whom they were so much indebted, from the degrading necessity of receiving pardon for their meritorious services as good subjects and citizens. The Irish had set us a noble example of liberality and generosity, by their vote declaring every man who should prosecute a Dissenter for his services an enemy to his country and a Jacobite.

"By the repeal of the test laws what could there be to dread? Would we fear the Pope or Pretender? Would the apprehension of a civil or foreign war be the necessary consequence? King William, in one of his speeches from the throne, expressed a wish to employ Dissenters of every denomination in the service of their country. Every Prince of the line of Brunswick had cordially concurred in the same generous desire with that monarch. Now was the most proper moment to exercise such liberality as a complete toleration required. The conduct of the Dissenters had been uniformly peaceable; the State had nothing to apprehend either from their disloyalty or ambition. He wished he could say as much of all other sects. The High Church party, which had happily been dormant for a great number of years, was now reviving; it had not been dead, as he had hoped, but had only for a time, it seems, lain asleep. Their constant cry had ever been, 'The Church is in danger!' He was sorry to observe some dignitaries of the Church, men of distinguished talents, whom he held in great respect, join in the absurd alarm, and express their affected and chimerical apprehension of danger upon the present occasion. Were there not many avowed Dissenters both in that and the other House of Parliament? Yet no danger was ever entertained from that circumstance to the constitution. 'But,' say the party, 'if you make a Dissenter an exciseman there will be danger.' The High Church party were, in the general, Jacobites — the avowed advocates of the doctrines of passive obedience and non-resistance. This reminded him of what Dean Swift had said, in his usual spirit of sarcasm, 'That though every Whig might not be an infidel, yet he was sure every infidel was a Whig.' So with much more truth it might be said, 'Though every High Churchman might not be a Jacobite, yet every Jacobite most certainly was a High Churchman.' While this party were hostile to the reigning family, and active in exciting tumults, insurrections, and rebellions, the Dissenters had distinguished themselves as good, peaceable, faithful, and loyal subjects. Yet the party were allowed in this enlightened age again to sound their false alarm, to repeat their senseless cry of the Church being in danger!

"The sentiments of Hoadley and of other dignitaries of his time, he had thought sufficient to make the clergy forget their dull and idle cant, by convincing them of the absurdity of all religious tests. Danger was apprehended to the Church from the supine indolence of the clergy, and the superior activity and zeal of the Dissenters in the discharge of the duties of their sacred functions. To fetter the Dissenters with penalties and incapacities on account of the remissness of the established clergy, was a measure replete with cruelty, absurdity, and injustice; it went upon the principles of making one man suffer for the neglect of another. He ridiculed every idea of danger to the Church from a repeal of the test laws. The Dissenters were less numerous as a body, and had little or no power when compared with the authority and affluence of the Church. He was sorry to observe bishops, deans, prebends, and other dignitaries of the Church, who were in possession of great landed estates and splendid establishments, so ready to stand forward the avowed advocates of oppression and persecution, under the false pretence of danger. Whence could the danger arise? He defied any one to prove it. At the Union, two churches had been established in different parts of Great Britain. He would ever commend the enlightened policy of that time which allowed both the Kirk in Scotland and the Hierarchy in England to be religions equally true. The Episcopalians in Scotland had an equal right with the members of the Kirk to the acceptance and enjoyment of civil offices. There existed no religious test in Scotland; there was, therefore, no Act of Indemnity necessary to justify the Episcopalians for their patriotic services during the rebellions. From the conduct of the Kirk, it could not be argued that those whose religious principles were at variance with the creed of the English hierarchy were enemies to toleration.

"The Dissenters were said to be always strenuous advocates for toleration when out of power, but capable of great intolerance when in possession of authority. Was this the fact? Quite otherwise. In America, what was their conduct? They were in full possession of power; but were they at all intolerant? No. So far from it, that universal toleration prevailed throughout every province, without any disadvantage to the government of the States. Notwithstanding the greatest diversity of religious opinions, the most cordial unanimity prevailed in all their civil operations. In Ireland, too, the test had been repealed for years, and the Church had been in no danger, though surrounded by Dissenters in an infinitely greater proportion than in this country. If, therefore, the Church of Ireland, under such disproportion of numbers, had so long existed without danger from the repeal of the test laws; and if the Kirk of Scotland, with little power and influence, had done the same; was it not absurd in the extreme to say that the Established Church of England, with all its power, wealth, and numbers, could not do the same thing without endangering its existence? Such fears, he would repeat, were idle and chimerical, asserted only, in his opinion, for the purposes of oppression.

"With regard to the Church itself, he highly approved of its discipline and abstract duties. It had wisely avoided all that was superstitious, and retained what appeared to him to be essential. He therefore admired and revered it, and declared himself firmly attached to it; but of the individuals who composed it he must say of them, as of all other public bodies, that while he highly respected some, there might be others who could have no claim to his regard. They, no doubt, were a mixture of good and bad: he must, however, strongly object to the Church whenever it presumed to act as a party; its interference in politics had been always mischievous, and often dangerous to the constitution. The Church, as a party, was a formidable body; it had formerly, as now, used the powerful engine of their real or pretended fear, which in the hands of tyrants had ever proved the signal of oppression. The Church had long taken the lead in the cause of Jacobitism, and in the reign of Queen Anne had been active in the instigation of tumults and confusion in support of the doctrines of arbitrary power. He ever should be a decided friend to an established religion, but it should be an establishment founded on the opinions of the majority of the people. The truth of religion was not a subject for the discussion of Parliament; their duty only was to sanction that which was most universally approved, and to allow it the emoluments of the State. A conviction of the reasonableness of such a procedure dictated so much liberality in the religious establishments at the Union, as well as the more recent establishment of the Roman Catholic religion in Canada.*

"Innovations were said to be dangerous at all times, but particularly so now by the situation of affairs in France. But the hopes of the Dissenters were not founded upon the most distant reference to the transactions which had taken place in that kingdom. Their application to the House on the present subject had been made three years ago,† when the most sagacious among them could not form anything like a conjecture of what had since happened in that country. Yet he saw no reason why the example of France ought not to have its influence; the church there was now suffering for its former intolerance. However he might rejoice in the emancipation of near thirty millions of his fellow-creatures, and in the spirit which gave rise to the Revolution, yet he was free to own there were some acts of the new government which he could not applaud. The summary and indiscriminate forfeiture of the property of the Church came under this description. But the violence of this proceeding might in some measure be attributed to former ecclesiastical oppressions, and, in particular, to the impolitic revocation of the Edict of Nantes.* The constitution, both civil and ecclesiastical, previous to this period had remained unmolested and unimpaired; there existed no test—Protestants and Catholics were indiscriminately admitted into civil and military offices: but by that rash measure, liberality and toleration were thrown away; the arts and manufactures were driven into other countries, to flourish in a more genial soil and under a milder form of government. This should serve as a caution to the Church of England. Persecution might prevail for a time, but it generally terminated in the punishment of its abettors."

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* The Act, 14 Geo. III. c. 83, for the Government of the Province of Quebec, granted to those professing the Roman Catholic religion the free exercise of their religion, subject to the King's supremacy; and the clergy were permitted to receive the accustomed dues from persons professing that religion, with a proviso that the King might make such provision as he should think fit for the support of the Protestant clergy.

† *Vide ante*, p. 324.

He observed, that "the Church had owed its existence to a rational innovation, and the constitution had derived much of its excellence and beauty from the same source; the Reformation had established the one and the Revolution the other. The nature of monarchy was such as to require an occasional renovation of the people's rights to prevent encroachments. It was the opinion of Mr. Hume, to whose talents as a philosopher he paid just deference, that monarchy would soon become absolute if not subject to frequent innovations. But what was the innovation which was now so much dreaded? Was it an attack on Magna Charta or the Bill of Rights? No; it was only the simple repeal of an act of Charles the Second, which the Parliament passed out of compliment to the King, in the overflowing effusion of their loyalty, at the conclusion of the civil war. The Corporation Act went to exclude Dissenters whose political sentiments were considered as anti-monarchical; and the Test Act was intended to operate against the Roman Catholics. He should ever reprobate such acts as the pillars of the constitution. What! was any specific mode of administering the Lord's Supper to be considered as the corner-stone of the constitution? A constitution with such a rotten foundation, was, in his opinion, not worth preserving.

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* The Edict of Nantes had been enacted in the year 1598, by Henry IV. of France, for securing to the Protestants perfect liberty of conscience and the public exercise of their worship, with the privilege of filling all offices of trust. This measure was revoked by Louis XIV., by the famous edict published in 1685. All exercise of their religion—all assemblies for worship, even in the house—were forbidden to the Protestants under pain of imprisonment and confiscation of goods. Their churches were ordered to be demolished. Parents were enjoined to have their children baptized by the Roman Catholic clergy, and to bring them up in the religion of the State. The ministers were banished, and the other Protestants were forbidden to depart the country, under pain of the galleys for men, and imprisonment and confiscation for women. The rigour of these prohibitions, however, did not prevent a vast multitude of the French Protestants from seeking among foreign nations for that liberty of which they had been bereaved in their native country, and transferring the seat of their industry to Germany, England, and Holland. –Koch's Revolutions.

The leading feature of true religion he had always understood to be charity. When he viewed the Church, and saw churchmen discovering a spirit directly opposite to the religion they professed, he must consider them as men who were ambitious of a monopoly of power under the mask of an affected apprehension of danger. The Christian religion breathed nothing but charity and forbearance; it was neither taught originally to kings and senators, nor had it any necessary connexion with Government. It had existed for centuries without any assistance from the secular arm. Though a learned prelate, (Bishop Warburton), had proposed a decent and honourable alliance between the Church and State, yet it was not an alliance founded on the purity of the Christian doctrines, but merely on promises of mutual support. According to this new-fangled doctrine the Church was not to depend upon its own merits, nor was religion to be established by the truth of its own evidence, but it was to be supported by the assistance of civil authority. Was this the manner in which Christianity was first propagated? In its infancy, when it had to combat the prejudices of mankind, and to make its way through an infinite number of other obstacles, was its progress indebted for any support from the indulgence of the Roman Emperor's senate? For a Christian prelate, then, to appeal from the truth of the Scriptures to the authority of secular power in support of the Christian religion, was an idea he should ever reprobate as contemptible and shameful. Religion, in his opinion, had no reference whatever to the political constitution of a state; from such an alliance it would contaminate and be contaminated; the one would be corrupted and the other enslaved.

"The clergy, he was sorry to observe, had uniformly acted with great artifice and duplicity down from the time of the Reformation, when they made their own chimerical fears, which existed no where but in their own heated and disordered imaginations, the ground of unprovoked and unmerited persecution. Report said, but he sincerely hoped without foundation, that a certain prelate of the Church (St. David's) had recently written a circular letter* to the clergy of his diocese, requiring them to withhold their votes and interests at the next general election from a particular member of that House, for his having voted for the present motion when under discussion during the last session. If innovation was a subject of so much dread, what innovation could be more alarming to the constitution than this precedent of an English bishop interfering not only in an election for a member of Parliament, in direct violation of the privileges of that House, but also presuming to marshal his ecclesiastical tribe in civil array, and denouncing his anathemas against every one who should be of opinion that the civil power could exist independently of the authority of the Church? Such anti-christian conduct was ill calculated to remove the spirit of party and of faction, with which the Dissenters must be actuated under the pressure of grievance, oppression, and persecution. Many of the Dissenters, he was persuaded, were friendly to the church establishment, but by such intolerance they might be driven to entertain the most inveterate enmity. If their influence and opposition were now dreaded, how much more so ought they to be when roused into resentment, irritated into hatred, and persecuted into hostility! It had often proved a matter of lamentation to High Churchmen, and it had been complained of as a grievance, that Dissenters had on some occasions conformed to the test laws. It was rather a delicate point for any clergyman to scruple complying with an application for the administration of the Sacrament, though in some instances a refusal had been made on the ground of immorality. But he must condemn such a political establishment, which required a man to go to our church, while he belonged to a sect which perhaps held tenets diametrically opposite; it was a direct method to promote vice, immorality, and profaneness. The abuse of so much power, too, in the hands of the clergy, might be attended with infinite mischief. The repeal of the test laws, it was said, would inevitably prove an infringement of the Union; but this was a palpable and egregious error. So far were the test laws from being among the essential articles of the Union, that when they were formally proposed to become perpetual they were rejected.

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* Copy of a letter from Dr. Horsley, Bishop of St. David's, to the Clergy of his Diocese.

"Sir William Mansell has declared himself a candidate to represent the borough of Carmarthen in the next Parliament. I cannot refrain from declaring that he has my heartiest good wishes. Mr. Phillips, the present member, has received the thanks of the Dissenters for the part he took in the late attempt to overthrow our ecclesiastical constitution, by the repeal of the Corporation and Test Acts. By this it is easy to guess what part he is likely to take in any future attempt for that purpose. I hope I shall not have the mortification to find a single clergyman in my diocese who will be so false to his own character, and his duty to the Established Church, as to give his vote to any man who has discovered such principles.

"I am, reverend Sir, your affectionate Brother and faithful Servant,

"Aberguilly, August 24, 1789." "SAMUEL ST. DAVID'S."

"Some stress had been laid on the writings and opinions of certain individuals among the Dissenters who had publicly avowed their opposition to the church establishment. Dr. Priestley had been particularly pointed out as an objectionable character in this respect. But what danger could possibly arise from the adverse opinions of this truly eminent and learned gentleman to the Hierarchy? Was it any proof of a design to subvert the ecclesiastical constitution? No; any person might disapprove of our civil constitution; might object to the popular part of our Government; might avow his sentiments ever so openly, and yet be not liable to any civil incapacity. A noble duke (Richmond), high in office, had attempted a reform in the constitution of the Legislature; the Chancellor of the Exchequer had done the same; but the patriotic exertions of both had failed of success; yet, from their opinions, no danger had been apprehended to the constitution. After such an instance, then, of what little influence opinions have on practice, we might as safely allow Dr. Priestley to be at the head of the Church as the present minister at the head of the Treasury, as the opinions of the one were not more hostile to the Hierarchy than those of the other had been to the present constitution of the Legislature. Another reverend gentleman (Dr. Price), in his sermon on the anniversary of the Revolution, had delivered many noble sentiments worthy an enlightened philosopher who was unconfined by local attachments, and gloried in the freedom of all the human race. Though he approved of his general principles, yet he considered his arguments would have better become his speech than a sermon. To make of the pulpit, the altar, or sacramental table, political engines, he must ever condemn whether in a Dissenter or a Churchman. The clergy, in their sermons, ought no more to handle political topics than the House to discuss subjects of morality and religion. Arguing as he had done against the prostitution of the sacramental test, religion and politics ought ever to be kept separate.

"Whatever might be the fate of the present question, of this he was fully confident, that if the test laws were once repealed, the jealousy of the Church would be at an end; if the barrier of partition were removed the very name of Dissenter would be no more. Should the majority of the House, however, determine in favour of the continuance of the test laws, it would only serve to keep alive a spirit of animosity between the parties; it might lead to stronger exertions in defence of civil rights; and other applications to the wisdom and justice of the Legislature must be the necessary consequence. Some distinguished writers upon the subject had asserted that as the test laws had received the sanction of Parliament, it was the duty of the Dissenters quietly and implicitly to submit. But was not this doctrine repugnant to the privilege, which was the boast of every British subject, of petitioning the Legislature when oppressed or aggrieved by any law? There was an end to our liberty at once, if we durst neither complain of grievance, nor petition for redress. The Dissenters, he hoped, would strenuously persevere in their applications, until they found the object of their wishes gratified in a complete toleration. In pleading their cause, he had only supported the principles of general toleration, and the universal rights of mankind.

"In all the great political questions which he had had the honour to introduce for the discussion of Parliament, he had always had the good fortune to agree in opinion with, and to experience the support of, all those friends to whom he was attached from principle. Though he should ever glory in the name of a Whig, as an honourable distinction which characterised the advocates of civil and religious liberty; though it was the pride of his life to act with the cordial approbation of the party to whom he belonged; yet a right honourable friend (Mr. Burke), whose opinions always had the greatest weight with him, did not think as he did on the present question. Much, however, as he respected his opinions, and highly as he thought of his understanding, yet in every contest where liberty and the civil rights of men were involved, he should ever enlist under the same standard, however formidable his opponents in the ranks. In the part he had that day taken, the tongue of slander might possibly represent him as another Oliver Cromwell attacking the Church; he had been compared to that usurper on a former occasion as attacking the Crown, even by the very men whose cause he was now pleading. Their cause, however, he had undertaken from a conviction that it was a just cause; and he should be ever ready to become the advocate of those Churchmen, who might now, perhaps, load him with obloquy, whenever he saw them in real danger. He would now cheerfully submit to the disadvantage of momentary unpopularity, confident that the time was not very distant when the world would do ample justice to his motives." He then concluded with moving, "That the House will immediately resolve itself into a committee of the whole House to consider of so much of the acts of the 13th and 25th of Charles the Second as requires persons, before their admission into any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord's Supper according to the rites of the Church of England."

The motion was supported by Sir H. Hoghton, Mr. Beaufoy, Mr. William Smith, and others; and opposed principally by Mr. Pitt, Mr. Powys, Mr. Yorke, Mr. Martin, and Sir William Dolben. Mr. Burke concurred with Mr. Fox upon the general ground of many of his arguments respecting toleration, and declared that "had the repeal been moved for ten years ago, he should probably have joined him in supporting it; but he had the strongest reasons to believe that many of the persons now calling themselves Dissenters, and who stood the most forward in the present application for relief, were men of factious and dangerous principles, actuated by no motives of religion or conscience, to which toleration could in any rational sense be applied. He also agreed with Mr. Fox, that men were not to be judged merely by their speculative opinions, but by their opinions and conduct taken together." He then produced and read to the House several documents to substantiate the allegations he had made.

Mr. Fox rose to reply. He began with observing, that "however exhausted and fatigued he might feel himself from the length of the debate, at that late hour, yet with the strength he had remaining he would exert his best endeavours to answer every argument that had been advanced against the motion which he had that day the honour to make. There had been certain points in which he had been misunderstood, and many of his arguments had been unfairly stated. This might be owing to an inaccuracy in his method of laying down his positions, and not to any intention of misrepresenting his argument. He had contended, upon the principle of toleration, that we were not warranted in deducing inferences from men's opinions contrary to their professions, unless their conduct and principles disagreed. The Chancellor of the Exchequer had gone the length of arguing that we might deduce inferences from our own opinions of the effect of the conduct of an adversary, without attending to his actions; whereas we ought to give every man credit for his conduct until his actions contradicted his professions. The Dissenters ask for a simple repeal of the test laws. The Minister's argument went upon this ground: If the Dissenters obtain the object of their present application, they would be encouraged to grasp at more; and there was reason to apprehend from their principles that they would not relax in their endeavours until they had completely subverted the present Establishment. But this was not the declaration of the Dissenters; it was merely the unfair inference of the Minister, judging of evil intentions from men's opinions, and not from their actions. From the argument of the right honourable gentleman last year, and the points upon which he had then principally insisted, he had been induced to meet his objection, and therefore he had set out with laying down the principle of toleration in opposition to that of persecution. In explaining himself upon this subject, he had endeavoured to prove, that if the principle of persecution, as generally received and understood, was originally a right principle, then it would follow that the bloody transactions which took place in the reign of Charles the Ninth, such as the massacre of Paris and the murder of the Protestants, as well as the cruelties of Smithfield and other places, were all mild, benevolent, and merciful acts. If the original principle of persecution extended to such unjustifiable enormities, must it not be palpably wrong? He then abandoned such a principle as untenable, and argued upon that of toleration. But in calling the repeal of the test laws a question of toleration, he might not be exactly accurate. Though it might not come within the extent of the true principle of religious toleration, yet of this he was confident, that it was a question of justice, upon which the claim of the Dissenters to the indulgence of the House was well founded.

"Upon this nice and subtile distinction, however, an objection had been urged by the right honourable gentleman against his motion, which was nothing but specious sophistry and inconclusive reasoning. He should ever protest against the principle of prejudging the conduct of another from his opinions, when his conduct and declarations were directly the reverse—to say any man intended mischief when he professed friendship, and especially if his conduct accorded with such a declaration, was very unfair and unjust. A resemblance had been attempted to be drawn between a religious test and an oath. But in what did it consist? In taking an oath, it was true, a man made a religious appeal; but it always was an appeal to his own religion. A Jew was sworn upon the Old Testament; the greater number of Christians upon the Evangelists; the Quaker by his own affirmation; and the Mahometan upon the Koran. The solemnity of an oath was allowed every conscientious man to be taken agreeably to his own particular mode of religion. Where then was the analogy between a religious test and the taking of an oath? Was it anything like men of different persuasions, professing different creeds, submitting to the sacramental test? Certainly not. Here the right honourable gentleman's ingenuity and sophistry had also failed him.

"An honourable baronet had thought it necessary to enter into an elaborate defence of the respectability of the clergy as a body. Had there been attempted any general attack upon the Church? No. In speaking of the Church he had only animadverted upon its conduct when it presumed to act as a party.

He should ever reprobate the principles and conduct of the High Church party, who had uniformly distinguished themselves as inimical to the constitution and to the civil rights of the subject. But in that class of the clergy denominated the Low Church, there had been men of liberality and talents whom he should ever hold in the greatest respect. They were worthy members of the Church; had proved themselves distinguishingly instrumental in the establishment of political freedom at the Revolution. Many now in this party, he understood, were sincere friends to his motion, and had heartily joined in the entreaty of the Dissenters to bring the subject forward. He was happy to find that there were clergymen of such liberality of spirit and disposition in the present day. An honourable gentleman had observed, that the subjects of the Test and Corporation Acts had better have been discussed separately. He could not forbear expressing his surprise at this observation; as the subjects of both Acts were so intimately connected and involved, in his opinion, as to present themselves fitter for consideration and discussion together than separate. If they were to be considered separately, the Corporation Act appeared to him the most exceptionable in a constitutional point of view; as a restriction upon the subject in the exercise of a natural right ought to be regarded in that House with a greater degree of jealousy than even a restriction upon the King in the exercise of his royal prerogative.

"What he had heard with the greatest concern in the course of that evening's debate had been the speech of his right honourable friend (Mr. Burke). It had filled him with grief and shame. Sentiments had been uttered which he could have wished to have remained a secret for ever. Though he was indebted to his right honourable friend for the greatest share of the political knowledge he possessed—his political education had been formed under him — his instructions had invariably governed his principles; yet, mortified as he had been by his speech of that evening, he had, however, received this consolation from it, that every principle which he had laid down had been avowed by his right honourable friend in the course of his speech. While he had stated his principles, and had argued from an application of inferences deducible from those principles, his right honourable friend had, on the contrary, taken pamphlets, private letters, anecdotes, conjectures, suspicions, and invectives, for the materials of his speech, which he had worked up with all the charms of fancy and the embellishments of oratory, for which his right honourable friend was so eminently distinguished. Such had been the grounds upon which he had founded his opposition to the motion under discussion, to which he declared he should have been a friend ten years ago. What did this prove, but that he had retained his opinion upon the subject ten years longer than his right honourable friend? With respect to the anecdotes quoted of the Duke of Richmond having addressed a singular speech to the bishops during the American war, he saw an analogy between that story and the argument of this day.

"The conduct of the Dissenters in declaring that, at the next general election, they would only support men who were well affected to the cause of civil and religious liberty, he did not see liable either to objection or censure. He was astonished to hear gentlemen talk of this as a test imposed by the Dissenters upon their representatives. Did not gentlemen on the other side of the House declare in the course of the debate, that, in their own opinions, they were friendly to the motion; yet, in obedience to the instructions of their constituents, who were Churchmen, they considered themselves as bound to oppose it? Was not this imposing a test? How different the conduct of the Dissenters, who were the constituents of the honourable gentlemen, Messrs. Windham and Tierney, who assured them they might vote on this question according to their conscience! He wished Churchmen had shown as much liberality. In Dr. Priestley's manly declaration of his individual opinion, expressive of dislike of establishments, he saw no criminality whatever. Any man might avow his dislike of any civil institution; but as long as his opinion was not brought into action there could be no criminality. If such conduct was criminal, he desired to be considered as a participator in the guilt.

"The production of the letter of Mr. Fletcher, from Bolton, by his right honourable friend, he acknowledged did not a little surprise him; for if ever there was a paper which furnished an argument in favour of the question, that letter was one. He had never heard of the name or conduct of Mr. Fletcher before; but if any argument could be depended on, that which Mr. Fletcher had urged was essential, in his opinion, towards proving that those Dissenters who deserve well of the Legislature ought to be separated from those who are not inclined to be content with the simple repeal of the test laws. What had been the argument of his right honourable friend, in a debate during the American war, by which he had done himself infinite honour? It was a doctrine which, *prima facie*, appeared an absolute paradox, but founded, notwithstanding, in true wisdom and sound policy. The subject was the division of Massachusetts Bay from the province of New York and others. 'What!' said his right honourable friend, 'separate Massachusetts Bay from New York, with a view to adopt this weak and absurd maxim, *divide et impera?* I scout the idea—I never will consent to it; but I will agree to the division of America.' The House imagining his right honourable friend had committed a blunder, continued for some time in a roar of laughter. But what was his explanation? It was this: 'I will divide America, not by separating Massachusetts Bay from the other provinces, but by abandoning the disloyal and disaffected provinces, and preserving those which are well disposed to us, not by any coercion, but by granting them all they wish for.' The same prudent advice would be politic for the House to adopt in regard to the Dissenters. Separate the Dissenters—break their union—abandon those who are unreasonable—and grant to all such as are moderate all they so justly require. I verily believe," said Mr. Fox, "if you repeal the test laws, there will be an end of all farther claim of the Dissenters to the indulgence of the Legislature. But this, he desired to be understood, was only his own speculative opinion, and not any pledge offered to the House, warranted by any declaration of the Dissenters; they were at liberty to lend as much credit as they thought proper to this opinion.

"But how was the strange dereliction of his right honourable friend from his former principles to be accounted for? He could only ascribe it to the effect of his too great and nice sensibility; whose chief delight had always been benevolence and mercy; whose feelings had been shocked and irritated by a mistaken idea of the transactions in France, which had been nothing more than the miseries to which every country was unavoidably subject upon every revolution in its government, before the new constitution had acquired its full operation and establishment. The imagination of his right honourable friend had eagerly caught hold of such objects, and, in contemplating the ruin of the Government, the desolation of the Church, the misery of the beggared ecclesiastics, and the general distresses of the inhabitants, he had actually lost the energy of his natural judgment, through the exquisite acuteness of his feelings; otherwise a person of his great good sense could never have been so led astray into enmity against the just cause of the Dissenters, as a body, merely because Dr. Priestley, Mr. Palmer, and Mr. Robinson, happened to differ from him in their speculative opinions. The assurance of the Dissenting ministers, when the bill passed about eleven years ago, respecting Dissenting teachers and schoolmasters,* that they would apply no more for themselves, had been very unfairly and disingenuously applied in argument by the right honourable gentleman opposite to him. Did the present application come, as that had done, specifically from the Dissenting ministers? The extract read from Dr. Kippis did not go to preclude the ministers from joining their lay brethren in an application to the legislature for a matter of general relief. The Dissenting ministers, from the repeal of the test laws, had no emolument to expect, nor any advantage, civil or religious, to gain. They had been perfectly consistent with their assurances; their claims, as ministers, were perfectly distinct from those of their lay brethren; and the right honourable gentleman ought not to have confounded them, in order to tax them with a breach of good faith.

"The allusion to the conduct of Lord George Gordon, and the riots in 1780, he could not suffer to pass unnoticed. It was insinuated that the mob resembled the Dissenters; the fact was quite otherwise. If there was any resemblance in the case, it was this: the clergy of the Established Church stood in the shoes of the mob; but the Dissenters in those of the poor persecuted Roman Catholics. He remembered with pleasure the conduct of his right honourable friend upon that occasion;* it reflected upon his friend's character great honour; for, in defiance of the rage and madness of the mob, he persevered in the laudable purpose in which the House were then engaged, of extending toleration to the Roman Catholics. The mob then were illiberally insisting upon the repeal of a good law; the members of the Established Church were now as illiberally objecting to the repeal of a bad law. All unprincipled mobs he should ever regard with extreme horror and indignation; their cry was still the same, whether they were peasants, gentlemen, or bishops. Ignorance, prejudice, or fanaticism, were their general topics of declamation. From the violence of their rage, the God of peace and order ever preserve us!" Mr. Fox, congratulating himself on having been selected by men who had rather acted as his enemies than friends, to fight their battles, concluded with assuring them, "that so sincerely was he a friend to their cause, that he should be ever ready, on any future occasion, to take the field for them again; under the clearest conviction that their complaint of grievance and oppression, in the present instance, was well founded."

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* By 19 Geo. III. c. 44, those Dissenting ministers who scruple to subscribe such parts of the Thirty-nine Articles as are required by the Toleration Act, 1 Wm. & Mary, c. 18, to be subscribed by them, (*vide ante*, p. 334, note,) may, instead thereof, subscribe the declaration prescribed in the act, professing themselves to be Christians and Protestants, and that they believe the Scriptures to contain the revealed will of God, and to be the rule of doctrine and practice. And no Protestant Dissenters taking the oaths of allegiance and supremacy, and subscribing the declaration against Popery, as well as the new declaration prescribed by the act, shall be prosecuted for teaching youth as a schoolmaster. The act, however, prohibits Protestant Dissenters from holding the masterships of any endowed schools or colleges.

On a division, Mr. Fox's motion was rejected by a majority of 294 to 105.

ABATEMENT OF AN IMPEACHMENT BY A DISSOLUTION OF PARLIAMENT.

1790. *December* 23*rd.* While the impeachment against Mr. Warren Hastings was depending before the House of Lords, Parliament was dissolved. This gave rise to the discussion, shortly after the assembling of the new Parliament in November 1790, of a constitutional question of the highest importance; namely, whether a dissolution put an end to an impeachment by the House of Commons before the House of Lords. Upon the determination of this question it depended whether the proceedings against Mr. Hastings could be taken up by the present Parliament where they were left by the last, or whether they must be begun *de novo.* In order to bring this important point to a decision, Mr. Burke, on the 17th of December, in a committee of the whole House, moved the following resolution:—"That it appears that an impeachment by this House, in the name of the Commons of Great Britain in Parliament assembled, and of all the Commons of Great Britain, against Warren Hastings, Esq., late Governor-General of Bengal, for sundry high crimes and misdemeanours, is now depending." Mr. Burke observed, that his motion involved no abstract question, but was a plain, practical assertion of their privileges, as handed down to them by their predecessors, through an uninterrupted succession of five hundred years. In all the convulsions of our government, in all the struggles, contests, and incidental or progressive changes of the functions and powers of the House of Commons, this had remained immutable—that an impeachment was never to be defeated by collusion with a Minister, or by the power of the Crown. Mr. Erskine, with a view to the appointment of a committee to search for precedents, to be formally reported to the House, as a necessary guide to their ultimate decision, moved, "That the chairman should leave the chair." A debate of unusual length ensued.* Mr. Erskine was supported by Sir Richard Arden,† Sir Archibald Macdonald,‡ Mr. Hardinge,§ Mr. Mitford,‖ Sir John Scott,¶ and others. He was opposed by Mr. Addington,** Mr. Pitt, Mr. Burke, Mr. Anstruther,†† Mr. Adam,‡‡ Mr. Dundas,§§ and Mr. Fox. On the third day of the debate, after Sir John Scott, the Solicitor-General, had spoken,

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* On the 6th of June, 1780, during the riots, a detachment of foot guards took possession of Westminster-hall, the doors of which they at last closed to prevent the mob from entering: several members of both Houses who walked down on foot were thus prevented from getting into the House for a considerable time. Among them was Mr. Burke, who was presently surrounded by some of the most decent of the petitioners, who expostulated with him on his conduct in abetting Sir George Savile's motion for the Roman Catholic Bill; Mr. Burke in his defence said, he certainly had seconded the motion for the bill, and thought himself justified in so doing; he said he understood he was a marked man, on whom the petitioners meant to wreak their vengeance; and therefore he walked out singly amongst them, conscious of having done nothing that deserved their censure in the slightest degree, having always been the advocate for the people, and meaning to continue so. Mr. Burke at last got rid of his troublesome interrogators.—Parl. Hist. vol. xxi. p. 662.

† Upon this subject see Hallam's Constitutional Hist., vol ii. p. 562, *et seq.*

Mr. Fox rose and said, that "after the question had been so fully debated, the committee could not be expected to listen with much patience to any additional arguments upon it. The constitutional principle had been so ably and so eloquently supported on precedent, analogy, and reason; the fallacies urged against it so completely exposed, and the arguments so fully confuted, that he was afraid that to say anything further upon it would have more the appearance of personal vanity than of a desire to convince. He should therefore have been contented to leave it where it stood; but having been always zealous in supporting the privileges of the House of Commons, and on some occasions contrary to the opinions of those with whom he agreed on other points, he thought it his duty to give something more than a silent vote in support of a question, in the fate of which all their privileges were involved.

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* The debate lasted, by adjournment, three days.

† Master of the Rolls, afterwards Lord Alvanley.

‡ Attorney-General. Afterwards Lord Chief Baron of the Court of Exchequer.

§ A Welsh judge.

‖ Afterwards Solicitor and Attorney-General, Speaker of the House of Commons in England, and Lord Chancellor of Ireland.

¶ Solicitor-General. Afterwards Attorney-General, Lord Chief Justice of the Court of Common Pleas, and Lord Chancellor of England.

** The Speaker. †† Afterwards Chief Justice in India.

‡‡ Afterwards one of the Barons of the Court of Exchequer.

§§ The Lord Advocate of Scotland.

" The question was, indeed, of great importance. Of such importance, as he defied human wit, or human eloquence to exaggerate; no less than whether the constitution of the country was a free constitution, under which every act of Government was subject to inquiry, and accompanied with responsibility; or whether power might be exercised without control and without any national inquest to take cognizance of its abuse. Those who disputed the right of the Commons to proceed on an impeachment after a dissolution, had argued from a repetition of the same precedents first referred to, and very ably commented upon by the honourable and learned gentleman who first opposed an immediate decision. All the arguments on those precedents had been answered with so much ability by the right honourable the Chancellor of the Exchequer, as to render any other answer unnecessary. Of this, those who contended that the Commons had no such right, seemed to have been aware. They appeared to have said to themselves, ' the first speech on the precedents contained all that can be urged with any plausibility. That speech has been so fully, so irresistibly answered, that all we can now do is to weaken the impression of the answer by repetition; if we cannot convince, we may yet confound.' Repetition was accordingly tried. Other learned gentlemen had risen, and, instead of taking new ground, had gone over the same precedents, built on them the same arguments, and deduced the same conclusions, in hopes, no doubt, that the second answer would be less able than the first. In this, however, they had been disappointed, for a second answer by another right honourable gentleman (Mr. Dundas) had as completely demolished the repetition as the first overturned the original arguments. Another attempt, however, was made. The routed precedents were again rallied, and brought into the field by another learned gentleman, (Sir John Scott), who declared that he could not conscientiously vote that an impeachment after a dissolution remained in *statu quo*, unless he was first satisfied that such a principle was agreeable to the practice of the courts below. This third attempt he feared would be too successful, inasmuch as the answer which he should give would be much less able than either of the preceding.

" It was not his intention to dwell much on the precedents which had been so repeatedly and so ably discussed; but to rest his argument on the general principle, that whatever was inconsistent with, or subversive of a free constitution, could make no part of the law under that constitution. On the precedents, however, the learned gentleman who preceded him had brought only one new authority, the authority of Lord Danby on the state of his own impeachment,* an authority just as good as the opinion of Mr. Hastings would be on the question before the House, and of which the learned gentleman was welcome to the full value. The clear and express resolution of 1678,* adopted on the plain analogy of other judicial proceedings in Parliament, on careful search of precedents and mature deliberation, that resolution on which Lord Stafford† had been tried, convicted, and executed,

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* The Earl of Danby, Lord High Treasurer in the reign of Charles the Second, was impeached by the Commons on a charge, among others, of having written a letter to

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Montague, the English ambassador at Paris, while the negotiations at Nimeguen for the general peace were pending, empowering him to make an offer of neutrality for the price of 6,000,000 livres yearly for three years. The letter was not only written by the King's express orders, but Charles attested this with his own hand in a postscript. —Hume's History of England, vol. vi. pp. 129, 130, Edit. 1841. See Hallam's Constitutional Hist. vol. ii. p. 552, *et seq.*

* On the 11th of March, 1672, the House of Lords ordered that the committee for privileges should inquire, " whether an appeal to that House, either by writ of error or petition, from the proceedings of any other court, being depending and not determined in one session of Parliament, continue in *statu quo* unto the next session of Parliament, without renewing the writ of error or petition." In the report of the committee on the 29th of March, 1673, the order of reference was mis-recited in a very remarkable manner. Instead of the words in the order " from the proceedings of any other court," the following are inserted: " or any other business wherein their lordships act *as in a court of judicature* and *not* in their legislative capacity." The committee then came to the resolution, " That businesses depending in one Parliament, or session of Parliament, have been continued to the next session of the same Parliament, and the proceedings thereupon have remained in the same state in which they were left when last in agitation." The House approved of this resolution, and ordered it accordingly. The dissolution of the Long Parliament while the impeachment against Danby and the five Popish lords was pending raised the question, whether an impeachment abates by a dissolution. It was, therefore, referred by the Lords, on the 11th of March, 1678, to their committee for privileges, to consider whether petitions of appeal which were presented to that House in the last Parliament were still in force to be proceeded on. Next day it was referred to the same committee, on a report of the matter of fact as to the impeachments of the Earl of Danby and the five Popish lords in the late Parliament, to consider the state of the said impeachments and all the incidents relating thereto, and to report to the House. On the 18th of March, the Earl of Essex reported from the committee that, " upon perusal of the judgment of this House of the 29th of March, 1673, they are of opinion that, in all cases of appeals and writs of error, they continue and are to be proceeded on, in *statu quo* as they stood at the dissolution of the last Parliament, without beginning *de novo*. . . . . And upon consideration had of the matter referred to their lordships concerning the state of the impeachments brought up from the House of Commons the last Parliament, and all the incidents relating thereunto, their lordships are of opinion that the dissolution of the last Parliament doth not alter the state of the impeachment brought up by the Commons in that Parliament." This report was taken into consideration on the following day by the House; and after a debate, which appears from the journals to have lasted some time, it was resolved to agree with the committee.—Lords' Journals. Hallam's Constitutional Hist. vol. ii. pp. 565, 566.

† Of the five peers, Lords Stafford, Powis, Arundel, Petre, and Belasyse, who were committed to the Tower, on the charge of being the principal instigators of the celebrated Popish Plot in the reign of Charles the Second, Lord Stafford alone was brought to trial, and condemned, and executed. The other peers, with the exception of Lord Petre, who died in confinement, on the 5th of January, 1683, were liberated on the 22nd of May, 1685, when the falsehood of the evidence upon which they all had been committed was established. *Vide post*, p. 364.

had been arraigned as an arbitrary resolution, made in bad times, to serve a particular purpose, and contrary to the former practice of Parliament.* The peculiar hardships of Lord Stafford's case had also been pathetically insisted upon, as if any hardship or informality in a particular case would affect the general principle.

"After what had been stated with so much precision and so much truth of the times of Charles the Second, it would not again be contended that they were bad times in Parliamentary law, or that any precedent derived from them was to be suspected merely on that account. The fact was that the times, in a constitutional point of view, were good. All that could be charged upon them was their credulity. The people, harassed and alarmed by repeated attempts on their liberty, were, perhaps, too ready to listen to those who wished to take advantage of their fears; but while some of their acts, viewed coolly and at a distance, might be blamable, the principle on which they acted was good. The condemnation of Lord Stafford, viewed, as we were now enabled to view it, divested of fear and credulity, and convinced that Oates and Bedloe, the principal witnesses against him, were impostors, we must naturally lament. But every man who had perused the printed account of his trial must admit that it was perfectly regular in point of form, and that the verdict of his peers, believing, as they did, the evidence of Oates and Bedloe,† was a just verdict, and such as they were bound in conscience to pronounce. In those times, which were reprobated as incapable of affording a precedent fit to be followed, every question necessary to stop an impeachment, by the exercise of the King's prerogative, had been tried, and all had been baffled by the vigorous and constitutional exertions of the Commons, and ever since completely settled. The King first tried to stop the impeachment by refusing to appoint a Lord High Steward. The Commons contested the point, agitated it with the Lords, and it ended in settling the commission of a Lord High Steward, by inserting words which have ever since stood in the commission, and which make the Lord High Steward not a necessary part of the court of the House of Lords. Thus the Commons, without an Act of Parliament, established that the King could not stop an impeachment by refusing to appoint a Lord High Steward, because that office was determined to be unnecessary. The King next tried to stop the impeachment by granting a pardon to Lord Danby. But here again the prerogative of the King was routed by the privileges of the Commons. He would not discuss the point agitated in the conference; it was too clear; the Lords disallowed the pardon as a plea in bar, and such a measure had never since been attempted.

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* Upon his trial Lord Stafford requested that his counsel might be heard touching the continuance of impeachments from Parliament to Parliament; but the House of Lords decided that his counsel should not be heard upon that point.—Lords' Journals, December 4, 1780.

† Titus Oates and Bedloe were the principal actors in the pretended Popish Plot; but Bedloe did not appear as a witness on the trial of Lord Stafford, having died at Bristol the summer before the trial took place.—Burnet's Hist. of his Own Times, p. 488. See also Howell's St. Tr. vol. vi. p. 1493.

"Disappointed in all these means of saving Lord Danby, the King resolved to dissolve the Parliament. Here again he was foiled; the new House of Commons took the business up with the spirit of the former, and arguing on the true principles of the constitution, they enforced, upon the soundest doctrine and clearest precedents, that, notwithstanding a dissolution, an impeachment remained in *statu quo* to be proceeded on by the new Parliament. The guilt of Lord Danby was, perhaps, as much the guilt of the King as his own. The King had employed his favourite to sell the interests of his people to a foreign power, and to barter away the dignity of his Crown for a disgraceful pension to himself. Being so implicated in the crime, he was naturally anxious to protect the instrument of it, and for that purpose resorted to every exercise of his prerogative which the advice of his minister, or his own ingenuity, could suggest. Of every one of his measures on that occasion they had a direct parliamentary condemnation. When he refused to appoint a Lord Steward the appointment was pronounced unnecessary. When he dissolved the Parliament it was declared that an impeachment did not abate by a dissolution. Fortunate it was for the country, fortunate for posterity, that the King had had recourse to those manœuvres, because it had been the means of establishing beyond a doubt that no shift or evasion, no abuse of prerogative, no collusion between the Crown and the criminal, could defeat an impeachment by the Commons.

"The resolution of 1678 did not make the law, but declared what the law was before, and it was illustrated and confirmed by the proceedings of 1690.* He was astonished that the learned gentleman should have seized on the precedent of 1690 with so much eagerness, after the inference he attempted to draw from it had been so completely demolished by those who spoke before him; and admitting the inference, if it was before the law of Parliament that an impeachment did not abate by a dissolution, the solitary precedent of the Duke of Leeds could not alter it.† On the times in which the resolution of 1678 was made, the opinion of men who spoke of them without reference to any particular question, but on a general view of our history and constitution, would far outweigh all that had been said as applicable to the present case. Judge Blackstone, whose opinion was justly in high esteem, had said that the Parliament known by the name of the Long Parliament of Charles the Second was deserving of the highest praise in a constitutional view. In the body of his work, he enumerates many different regulations which were the work of that Parliament, and says that they demonstrate this truth, 'that the constitution of England had arrived to its full vigour, and the true balance between liberty and prerogative was happily established by *law*, in the reign of Charles the Second.' And in a note on that passage he says, 'The point of time at which I would choose to fix this *theoretical* perfection of our public law, is the year 1679, after the Habeas Corpus Act was passed, and that for licensing the press had expired; though the years which immediately followed it were times of great *practical* oppression.'* When he granted Lord Danby a pardon, it was determined that the King's pardon was not pleadable in bar of an impeachment. The order of 1678, declaring the law of Parliament, was therefore entitled to as much respect as any other act of those great men who had done so much for the confirmation of our liberties. On this point the opinion of Judge Foster, which no man would treat as a light authority, also concurred. He declared expressly that in 1690 the Lords Peterborough and Salisbury were discharged under the general pardon, and not because the impeachment preferred against them abated by a dissolution of Parliament; and added, that it would be harsh to say that after a prosecution was begun, the high court of Parliament should not be able to proceed to judgment, the end of all prosecution, without supplemental powers from the Crown. Harsh, indeed, it would be, and ruinous to every principle of constitutional check and control by the Commons!

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* It was resolved by the Commons, on the 26th of October, 1689, that the Earls of Salisbury and Peterborough should be impeached for departing from their allegiance, and being reconciled to the Church of Rome; but the impeachment was not proceeded with. A general pardon was granted to them by the Crown, and the Lords, acting upon the opinion of the judges that they were thereby released from the offences imputed to them, admitted them to bail on the 6th of October, 1690. On the 30th of October, the Lords, after reading the resolutions of the 19th of March, 1678, and 22nd of May, 1685, (*vide post*, p. 364) ordered the Earls of Salisbury and Peterborough to be discharged from their recognizances.—Lords' Journals. Mr. Hallam says, "Upon considering the proceedings in the House of Lords on this subject, Oct. 6 and 30, 1690, and especially the protest signed by eight peers on the latter day, there can be little doubt that their release had been chiefly grounded on the act of grace, and not on the abandonment of the impeachment."—Constitutional Hist. vol. ii. p. 568, *note*.

† The Earl of Danby was created successively Marquis of Carmarthen and Duke of Leeds in the reign of William III. When Duke of Leeds he was impeached by the Commons in the year 1695, on a charge of corruption, in taking a bribe of 5,000 guineas

"In settling every contested point of law, he would first look to usage, and then to reason. There was a great distinction between the ordinary law in the common courts of justice, and the constitutional law. For the former he would look to usage, where that could direct him; but for the latter he would look to reason in preference to usage, and for this reason: in ordinary cases certainty was of more value than soundness of principle, but in constitutional law soundness of principle was everything. Certainty of usage on a constitutional point, if that certainty was against him, served only to increase

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to obtain a new charter for the East India Company. On the 24th of June, 1701, two complete Parliaments having intervened since his impeachment, the House of Lords taking notice "that the Commons having impeached Thomas Duke of Leeds of high crimes and misdemeanors on the 27th of April, 1695; and on the 29th of the said April exhibited articles against him, to which he answered, but the Commons not prosecuting," ordered "that the said impeachment and the articles exhibited against him be dismissed."—Lords' Journals.

* Blackstone's Commentaries, vol. iv. p. 439.

his despair, and to drive him to the last desperate remedy for desperate cases. The law of impeachment was not to be collected from the usage of the courts of justice—for whom was it meant to control? He should be told, men in high stations who might commit crimes which the common law could not reach; but he should answer, first and principally, the courts of justice themselves. Let the power of impeachment be rendered nugatory, and what security was there for the integrity of judges and the pure administration of justice? 'Quis custodiet ipsos custodes?' Were it to be governed by absurd or iniquitous rules of practice, what abuse could it correct? He would not imagine extraordinary cases of enormity in judges, although their responsibility by impeachment was the surest pledge for their integrity. But suppose them so devoted to the Crown as to give such a decision as had been given in the case of ship-money. Suppose them, as in the reign of Charles the Second, so pliant to the prevailing party of the day, as to hang Whigs one day and Tories another, under form and colour of law, what remedy was left, if that of impeachment did not apply? Were a judge even to attain to that enormous pitch of arbitrary wickedness as to order a man to punishment who had been acquitted by a jury, there was no mode of proceeding against him but by impeachment. When he considered all this he could not but lament to see gentlemen of the profession of the law in that House, with some very honourable exceptions, indeed, acting, as it were, under an *esprit du corps*, forming themselves into a sort of phalanx to set up the law of the ordinary courts of justice as paramount to the law of Parliament, as if they intended, what had been charged on the parliament of Paris, to erect an intermediate republic between the King and the people, to embarrass the one and domineer over the other. With regard to the force of precedents on constitutional points, had the dispensing power claimed by the Stuarts been decided by precedent, it might, perhaps, have been found to be good. But would any man regard a precedent in such a case? Must he not perceive that a Legislature and a dispensing power in the Crown were things incompatible; and that wherever any usage appeared subversive of the constitution, if it had lasted for one or for two hundred years, it was not a precedent, but an usurpation?

"But where this new law of impeachment which was offered to them failed, they were told they might proceed by a bill of pains and penalties. What was gained by this, unless it could be made appear that a bill of pains and penalties could not be stopped in its progress by the Crown? Such abuses, it was said, were not to be supposed. When control was removed, all abuses were to be supposed. Again, they were told that if a minister advised the Crown to dissolve the Parliament to get rid of an impeachment, they might impeach him again. By the same rule he might advise to dissolve them again; and so they might go on impeaching and dissolving alternately, with no other effect than a mockery of justice. The learned gentleman* who had spoken before him had talked of referring an impeachment to the people by a dissolution. Although the King's pardon was not pleadable in bar of an impeachment,* the learned gentleman thought that the King, if he should be of opinion that a person impeached was a fit object of clemency, might, by dissolving the Parliament, take the sense of the people at large whether the impeachment ought to be renewed, and with their acquiescence produce all the effects of a pardon. If this was the learned gentleman's meaning, the true mode of carrying it into effect was on the principle that an impeachment did not abate by a dissolution. The King, by dissolving the Parliament, might suspend an impeachment; and if the new representatives chosen by the people should be of opinion that it ought not to proceed, there it must end, and the object of an appeal to the people would be completely obtained. But were it established that an impeachment after every dissolution of Parliament must begin *de novo*, the people, however zealous in the prosecution, could never have the means of bringing it to judgment without the concurrence of the Crown, and to dissolve the Parliament would not be to take the sense of the people, but to foil them in the exercise of their most important privilege.

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* Sir John Scott, Solicitor-General.

"It had been remarked that he himself had insisted, at the bar of the House of Lords, on the right of the Commons to frame new articles of impeachment in any stage of a trial in which they were prosecutors, and even to make the prisoner's own defence the foundation and materials of such new articles. This had been considered as a harsh and rigorous extension of privilege; but it was, nevertheless, an undoubted right belonging to the House, whose power and privileges were great because their discretion was supposed to be great; and he had insisted upon it, not as a right to be exercised on trivial occasions, or a right on which he meant to act without an adequate cause, but merely on a constitutional principle from which to draw an argument in support of another point for which he was then contending. But if the exercise of this right was considered as a hardship, how much greater would be the hardship if an impeachment were stopped by a dissolution just as the prisoner had concluded his defence, and the Commons, on the meeting of the new Parliament, were to proceed to frame an entire new set of articles against him with his whole defence before them. Yet such might be the situation of any man against whom an impeachment was preferred according to the doctrine of the learned gentleman. Another learned gentleman had said that the points on which the law of Parliament turned were of such nicety that none but a lawyer could understand them. The supposed nicety proved the falsity of the argument. Were the case so, how could the law of Parliament be understood by men of common education and plain understanding, such as composed the great majority of it? Much more, how could it have been established by men of still more ordinary education, who composed the majority of the House of Commons, when the theory of the constitution was developed and explained?

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* It is enacted by the Act of Settlement 12 and 13 Wm. III. c. 2, that no pardon under the great seal shall be pleadable to an impeachment by the Commous of Great Britain in Parliament.

"The next objection was the want of evidence. They had, it seemed, no knowledge of the proceedings on the impeachment during the late Parliament, and there was no evidence on which they could judge whether anything had been proved by the managers appointed by the late House of Commons. It was somewhat strange that professional men should be so profoundly ignorant of what was known to all the world besides. But they could listen only to oral evidence; the minutes of the evidence taken down and printed by the direction of the Lords, for their own information, were to lawyers of no use whatever; and the learned gentleman who spoke immediately before him, who unfortunately had not attended the trial; who had not heard the evidence; who had no materials on which to form his judgment; who could not suffer himself to read written minutes of written evidence, such as composed the greater part of the evidence on the trial; and who was so conscientious that he would not, as an accuser, pray for judgment against a man who, for anything he knew, might be innocent; had asked how he, as a member of the House of Commons, could go to the bar of the House of Lords, and demand judgment against Mr. Hastings, supposing him to be found guilty. When the learned gentleman came to be Attorney-General, he would, without any scruple of conscience, move the Court of King's Bench for judgment against all persons convicted on informations or indictments by his predecessor in office; and that, on much weaker evidence than the minutes of the impeachment, which he was resolved to consider as no evidence at all; on no other evidence than a copy of the record; and when he came to be a judge, he would even pronounce judgment on what he must consider as still weaker evidence, namely, the notes of a brother judge. It was well known that nine-tenths of all the misdemeanors were tried at sittings, and the record being returned to the court from which it issued, sentence was there pronounced by judges who had heard no part of the oral evidence; who had seen nothing of the demeanour of the prisoner or witnesses; who had no knowledge whatever of the case or its circumstances, but what they had derived from the notes of the judge who tried it. Nor was this all; affidavits, both in extenuation and aggravation, might be, and were frequently, produced and read; and on this sort of evidence, which was thus gravely represented by professional men as no evidence at all; on the written evidence of a miserable note-book, rendered still more informal, suspected, and worthless, by the addition of written affidavits; on evidence of such contemptible authority that if those whose business it was to understand it best were to be believed, it ought not to be of force to pluck a feather from a sparrow's wing, would the learned gentleman, when advanced to that bench on which he should rejoice to see him, decide whether a fellow-subject should be fined a shilling or ten thousand pounds; whether he should be imprisoned in the King's Bench for a week, or in Newgate for three years!

"What could he say on such attempts by men learned in the law to impose upon the plain sense and unlearned understanding of the House, but with his right honourable friend (Mr. Burke), that gentlemen of the long robe being accustomed to find the reward of their talents elsewhere, thought the waste and offals of their learning good enough for the House of Commons? If the learned gentleman had not been present at the trial, it was his own fault; and it was the first time that he had heard a man urge his own neglect of duty as a reason for abridging the privileges of the body to which he belonged. On this point, however, he would endeavour to set him somewhat more at his ease. It was proper that he should have been present at the trial because the House had ordered it, but it was not necessary. There were two ways in which the House proceeded on impeachments. In one they attended as a committee of the whole House in Westminster-hall, and in the other they appointed a private committee, as in the case of Lord Macclesfield* and others, who managed the prosecution at the bar of the House of Lords, and where none of the rest of the members had any more right to be present than any other subject. In this mode the House having decided that there was ground for an impeachment, committed the management to a private committee, in whose report they confided; and if their charges were proved, prayed for judgment. The application of the principle to the other mode was obvious. Although the House attended *pro formâ* as a committee of the whole House, it was neither required nor expected that every individual member should attend; and in this case also, they trusted more to the report of their managers than to their own observation of the proceedings. From the managers, however, the learned gentleman could receive no information. They were a committee no longer, having, like every other committee of the House, been dissolved by the dissolution of Parliament. When a new committee was appointed, that committee would have all the necessary documents in their possession, and be able to give the House whatever information might be wanted. It was asked, if all their proceedings did not cease with a dissolution? Precisely those, he would answer, that ceased with a prorogation. On a prorogation, all votes of money, and all bills depending, fell to the ground. So they did on a dissolution. By a prorogation the state of an impeachment was not affected. No more was it affected by a dissolution. During the interval occasioned by either, the high court of Parliament could not sit, any more than the courts of common law in the interval between term and term. When Parliament met after either, judicial proceedings were taken up in *statu quo*, just as in the courts below after a vacation. In this manner had the proceedings on the impeachment been suspended by every prorogation of Parliament, and the committee of managers dissolved. After the prorogation the committee had been re-appointed, and the proceedings on the trial resumed. There was no difference between the present situation of the House and its situation after any of the prorogations since the trial commenced, except that having been sent back to their constituents, they might more properly review their former proceedings, to see what they would abide by, and what they would abandon.

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* The Earl of Macclesfield, Lord High Chancellor of Great Britain, was impeached by the Commons, in the year 1725, on a charge of having connived at certain venal practices touching the sale of places, and the money of suitors deposited, in the Court of Chancery. He was unanimously pronounced guilty by the Lords, and condemned in a fine of £30,000.—Howell's State Trials, vol. xvi. p. 767, *et seq.*

"Were a Minister, it had been said, to advise a dissolution for the purpose of putting an end to an impeachment, he would be guilty of a high crime. Were a Minister to advise a dissolution pending an impeachment, knowing that it would put an end to the impeachment, he would deserve to be impeached himself. He did not mean to insinuate any reflection on the right honourable the Chancellor of the Exchequer. He had advised his Majesty to dissolve the Parliament at a time that he thought most convenient for the public service, and he had given the most substantial proofs that he did not believe it would affect the state of the impeachment. But if there were any persons in his Majesty's councils who believed and who meant to maintain that a dissolution of Parliament necessarily put an end to an impeachment, they were highly culpable, and ought to answer to their country for advising a measure, perhaps good in itself, but which they knew must defeat the ends of public justice. By the Act of 1773, for inquiring into offences committed in India, it was provided that various parliamentary proceedings necessary for that purpose should continue from session to session, and from Parliament to Parliament, but not a word was said of impeachments. This was no casual omission, but an omission on principle, to which he pledged, not his opinion, but his veracity. It was in the contemplation of the framers of that act to include impeachments, and on the advice of the late Mr. Dyson, whose knowledge of the law of Parliament had never been questioned, they were expressly omitted, in order that the undoubted right and privilege of the Commons might not be weakened by an indirect admission on their own part, that it was not clear.

"It had been observed, that as the dissolution of Parliament was generally expected, those who conducted the impeachment, and were anxious that public justice should not be defeated, ought to have brought in a bill to continue the impeachment over the dissolution, when they saw that the trial could not be concluded before it. Those who said so ought to recollect that it was not the opinion of the managers that the impeachment would be affected by a dissolution. All that on them depended the managers had done. They had moved a resolution in the last session of the late Parliament, that the Commons would persevere in the prosecution of the impeachment till the ends of public justice were obtained, and the resolution had been adopted by the House. What was the conduct of those who thought that a dissolution would put an end to the impeachment? Did they apprise the House of it? No. When they saw the House voting that they would persevere in the impeachment—when they knew that a dissolution was approaching, which, in their opinion, must necessarily be fatal to it, instead of bringing forward their constitutional law for the information of the House, when such information might have been useful, they carefully concealed it as a snare—as a poison which then lay lurking in their minds, and which was now insidiously brought into action to destroy at once the law of Parliament and the constitution. They had been advised to inspect the Lords' journals, and to consider their own as of no authority. His honourable and learned friend (Mr. Erskine) had been the author of this advice :

> 'Primum Graius homo mortalis tollere contra
> Est oculos ausus.'

It was, he believed, the first time that a member of that House had advised to consult the journals of the other for the privileges of the Commons, in preference to their own. If their own journals could afford them no information, then, indeed, they might consult the journals of the other House; or they might appeal to the Lords' journals as corroborating the authority of their own, on any point of privilege that was disputed by the Lords ; but to search the Lords' journals for precedents to controvert the authority of their own, and to make out a case against themselves, was what he never expected to hear proposed. They had on their own journals an express declaration, that an impeachment does not abate by a dissolution of Parliament ; a declaration acquiesced in by the Lords, repeatedly acted upon by the Commons, and never once contradicted by a subsequent declaration ; and it was strange, indeed, to hear the same learned gentleman who had laid it down as a principle, that an order of any court competent, acquiesced in for a series of years, and never afterwards annulled, made law, advising the House of Commons to consult the journals of the Lords, for the purpose of turning aside the clear and uniform stream of the law of Parliament as it appeared on their own, for more than a century. He rejoiced not that the debate had taken place, though he rejoiced that it had been continued for such a length of time as to give every gentleman who thought it necessary an opportunity of delivering his sentiments. But let not those, who had given occasion to it, imagine that this was owing to any respect for their arguments. It was owing purely to his astonishment at hearing such arguments adduced. Were any man to affirm, in defiance of the Act of Queen Anne, that Parliament had no right to interfere with the descent of the crown, that the Act of Settlement was not law, and that the House of Stuart, and not the House of Brunswick, had the only legal right to it, he should feel no apprehension that the proposition might be true, but he should desire time to recover from his astonishment, to repress the indignation which it must naturally excite, and to obtain for it such a free and temperate discussion as might procure the most solid and effectual condemnation of a doctrine so absurd and extravagant. Such a discussion the question before the House had received ; and great as were the advantages which the nation had derived from the accession of the House of Brunswick to the throne, he considered the decision of it of as much importance to the constitution and the future happiness of the people as whether the succession should continue in that House or revert to the House of Stuart. Next to the independent and free-born spirit of the people, the law of impeachment was their best security for the undisturbed enjoyment of their lives and liberties. It was their only peaceable security against the vices or corruption of the Government; and let no man, by weakening or annihilating that, reduce them to the necessity of having recourse to any other.

"To declare that an impeachment did not abate by a dissolution of Parliament with a view to prevent the improper interference of the Crown, had been called 'muzzling the lion with a cobweb.' After that privilege was asserted and established, the King, it was said, might dissolve the Parliament when the Lords were on the point of pronouncing a prisoner guilty, or after he had been found guilty and before judgment was given, and so afford him the means of escape; or he might create fifty new peers in a day for the purpose of acquitting a state criminal. All this was undoubtedly true. He should lament to see the King's power of creating peers so abused; he should much more lament to see that power taken away; and it was a possible evil against which he could propose no remedy. But was it thus they were to argue, that whenever an ingenious man could point out some possible abuse against which they could not provide, they were to give up every security against that abuse which the constitution had put into their hands? No human form of government was ever yet so perfect as to guard against every possible abuse of power, and the subjects of every government must submit to the lot of men and bear with some. But when abuses became so frequent or enormous as to be oppressive and intolerable, and to threaten the destruction of government itself, then it was that the last remedy must be applied, that the free spirit of the people must put into action their natural power to redress those grievances for which they had no peaceable means of redress, and assert their indefeasible right to a just and equitable government. No man would deny that cases might occur in which the people could have no choice but slavery or resistance; no man would hesitate to say what their choice ought to be; and it was the best wisdom of every government not to create a necessity for resistance by depriving the people of legal means of redress.

"Let no man think that these were hard words coming from him on any personal consideration. He was animated by no such motive; but he felt it his duty to state, in plain terms, to what the progress of abuse must lead if the remedy was essentially weakened, or wholly taken away. The alternative he had mentioned every good man must deprecate as too dreadful in its probable consequences; and whenever sad necessity should urge it on, every individual who had a heart to feel for the calamities of his country must deplore the exigency of the times. Nevertheless, they were to watch possibilities in that House with an eye of caution and jealousy, and should tyranny ever be enforced he had no doubt but the gentlemen of the long robe, whose opinions on the question before the House he had felt himself obliged to reprobate, would contradict the sentiments they had chosen to deliver by their actions, and prove, by their zeal and activity, that they were as ready to lay down their lives in defence of their freedom, as any description of men whatever. He assured his honourable and learned friend (Mr. Erskine), that he had not forfeited any part of his regard by having held an opinion different from his own, on the subject of the three days' debate; and for the rest of the learned gentlemen he entertained great personal respect, though he felt none for their arguments.

"It had been charged as an inconsistency on those who maintained the same opinion as he did, that when they opposed the appointment of a committee to search the Lords' journals they had argued from cases and resolutions to be found only in those journals. But the charge was nugatory. It was perfectly fair to argue from the Lords' journals, under protest that they would not be bound by them, because it was fit, in case of a dispute, to hear the ground of their adversaries' argument and turn it to their own advantage, if any advantage could be derived from it. It by no means followed as a consequence, that it was fit to search the Lord's journals in order to make out a case against their own right."

Mr. Fox concluded with a short review of the precedents, contending, with irresistible clearness and force, that "all except that of 1685* made against the abatement of an impeachment by a dissolution, and had been so understood by the courts of justice and the most eminent law authorities of the several periods; that according to the legal doctrine of precedents the last precedent was the best, and that the last, the case of the Earl of Oxford,† was decidedly in favour of the right of the Commons; that if the argument on the precedent of 1685 was good for anything it proved that the Lords were not bound by the order of 1678, that their orders did not make law, and that the order of 1685 was completely annulled by their subsequent proceedings in similar cases, or might be annulled by a new order. He apologized for having detained the committee on the precedents, as it was not on precedent but on principle that he stood. The right of impeachment, proceeding without abatement from session to session, and from Parliament to Parliament, was the vital, the defensive principle of the constitution; that which preserved it from internal decay; that which protected it from internal injury; without which every office of executive power, every function of judicial authority, might be exercised or abused at the discretion or caprice of him who held it, or of him who had the right of appointing to it."

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* On the 22nd of May, 1685, the House of Lords resolved that the order of the 19th of March, 1678, should be reversed as to impeachments; and on the 25th of May, the Lords Powis, Arundel, Belasyse, and Danby, who had been admitted to bail in the court of King's Bench, were released from their recognizances.—Lords' Journals.

† The Earl of Oxford having been impeached by the Commons on the 9th of July, 1715, and confined near two years without being brought to trial, presented a petition to the Lords on the 22nd of May, 1717, setting forth his long confinement, and praying them to take the circumstances of his case into their consideration, and that his imprisonment might not be indefinite. A prorogation had taken place since his committal, and it was resolved by the Lords that the impeachment against him did not determine by the intervening prorogation.—Lords' Journals, May 25, 1717.

The House having divided on Mr. Erskine's motion, "that Sir Peter Burrell do leave the chair," it was rejected by a majority of 113 to 30. The original motion was then put and carried.

In consequence of the decision upon this motion, the Commons informed the Lords, on the 17th of February following, that they were ready to proceed upon the impeachment of Mr. Warren Hastings; but the Lords, before they sent an answer, appointed a committee to examine precedents for the purpose of enabling them to decide whether the dissolution of Parliament had put an end to the impeachment.

On the 16th of May, the report of the committee was taken into consideration, and after an amendment, proposed by the Earl of Radnor, "that the judges should be ordered to attend the House to deliver their opinions as to whether the recognizances entered into by Mr. Hastings, on the 21st of May, 1787, were still in force," had been rejected by a majority of 70 to 20, the original motion, "that a message be sent to the Commons to acquaint them that this House will proceed upon the trial of Warren Hastings, Esquire," was put and carried. The numbers were 36 to 18. The minority included the names of Lords Thurlow and Kenyon; and, in the majority, those of the Earl of Guildford* and Lord Loughborough appeared; the latter of whom said, in the course of the debate, that he had been requested by Earls Camden and Mansfield—both being prevented from delivering their sentiments in person, the former from fatigue, and the latter from old age† and infirmity of body—to state that their opinions coincided with his own upon the subject of the present motion.

It having been thus decided by large majorities in both Houses, that a dissolution of Parliament did not put an end to an impeachment, the trial of Mr. Hastings was proceeded with on the following Monday, the 23rd of May.

ABOLITION OF THE SLAVE TRADE.

1791. *April* 19. The first business which engaged the attention of the House of Commons on the meeting of Parliament after the Christmas recess, was the Abolition of the Slave-trade. Upon the motion of Mr. Wilberforce, it was ordered, on the 4th of February, that the House should resolve itself into a committee of the whole House to consider of the African slave-trade, and a select committee was appointed to take the evidence of witnesses ordered to attend the committee of the whole House. A considerable body of evidence having been thus taken, Mr. Wilberforce, on the 18th of April, in a committee of the whole House, entered into a long and minute discussion of the subject. He commenced with giving an accurate detail of the unfair manner in which slaves were obtained on the coast of Africa. He particularized many acts of the most flagrant cruelties; and exposed all the mean devices and barbarous policy of those who were concerned in this murderous traffic. Different tribes of Indians, he said, were encouraged to make war on each other for the sake of taking prisoners, and of thus providing the market with slaves; the administration of justice in most parts of Africa was converted into an engine of oppression; and every fraud, every violence, was practised, that low cunning and brutal ferocity could suggest. He made a variety of remarks upon their unparalleled sufferings under the horrors of the middle passage, and after their arrival at the destined soil of servitude and wretchedness. He next contended that the abolition of the trade would not operate to the real detriment of our West India islands. He argued that, when the planter should be deprived of all prospect of a future market, he would be induced to pay a proper attention to the health, morals, and comfort of his slaves, and by thus considerably augmenting not only their happiness but their numbers, would render continual supplies from Africa unnecessary. He then proceeded to consider the consequences of the abolition in another point of view—in its probable effects on the marine. This trade, instead of being a nursery for seamen, was, in his idea, their grave. It appeared from the Liverpool and Bristol muster rolls, that in 350 slave-ships, having on board 12,263 persons, 2,645 were lost in twelve months; whereas in 462 West Indiamen, having on board 7,640 persons, 118 only were lost in seven months. All attempts to meliorate the condition of the negroes without the total abolition of slavery, he considered as likely to prove inefficacious and unsafe. Their situation, he thought, could never be much amended by a gradual abolition, or by any laws of regulation which the West Indian legislatures might choose to adopt. The advantages of the trade, in a commercial point of view, he deemed it almost an unbecoming condescension to discuss; but could its advocates prove (what he knew never could be proved) that it was of considerable importance to this country, either in its immediate operation or remote effects, still his decision would, in no degree, be affected by that consideration. "There is a smell of blood," he said, "which all the perfumes of Arabia cannot remove." He concluded by moving, "That the chairman be instructed to bring in a bill to prevent the farther importation of slaves into the British Colonies in the West Indies." After the motion had been opposed by Colonel Tarleton and Mr. Grosvenor, and supported by Mr. Martin, Mr. Burdon, and Mr. Francis, Mr. Pitt expressed his wishes for an opportunity to deliver his own sentiments very fully, which, he feared, it was impossible to do that night; he would, therefore, with the consent of the House, move that the chairman do now leave the chair, with a view of resuming the subject on the very next day, meaning to put off the orders of that day until the day after. Colonel Tarleton said, it was his earnest desire to have the question settled without any delay whatever; and as the House was then extremely full, and there were many gentlemen who, to his knowledge, were going next day out of town, he should resist the motion of adjournment. Colonel Phipps said, that though he agreed with the honourable gentlemen in opposing the abolition of the slave-trade, yet he could not agree in opposing the question of adjournment; for he wished to have an opportunity of declaring what were those reasons which would decide his conduct.

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* Upon the death of his father, on the 4th of August, 1790, Lord North succeeded to the peerage and sat in the Upper House, by the title of the Earl of Guildford.

† Lord Mansfield was now in his eighty-seventh year, having been born on the 2nd of March, 1704, O. S.

Mr. Fox said that, " although the opposition to any adjournment was undoubtedly uncandid and unbecoming, yet he thought that the honourable colonel who pressed for an immediate division understood better the interest of his own side of the question than the other honourable gentleman;" for Mr. Fox said, " he had ever conceived that the only way by which the abolition of the slave-trade could be prevented must be by stifling all inquiry, and by hurrying the House into some vote, which might seem to decide the question, before the opportunity of any real debate upon the principles of the slave-trade was afforded. It was a trade which, the gentlemen themselves well knew, would not bear to be discussed. Let there be discussion, and although there were some symptoms of pre-determination in some gentlemen, the abolition of the abominable traffic must be carried. He would not believe that there could be found in the House of Commons men of such hard hearts, and of such inaccessible understandings, as to vote an assent to the continuance of the trade, and then go home to their houses, their friends, and their families, satisfied with their vote, after being made fully aware of what they were doing, by having opened their ears to the discussion."

The question of adjournment was carried, and on the following day the debate upon Mr. Wilberforce's motion was resumed. It was opposed by Sir William Young, Mr. Stanley, Mr. Cawthorne, Colonel Phipps, Mr. Alderman Watson, Major Scott, Mr. Drake, and Lord Sheffield; and supported by Mr. Montagu, Lord John Russell, Mr. William Smith, Mr. Courtenay, Lord Carysfort, Mr. Pitt, and Mr. Fox.

Mr. Fox observed that, " some expressions which he had used on the preceding day had been complained of as too harsh and severe. He had now had four-and-twenty hours to reflect on his words; he had revolved them over and over again in his mind, but he could not prevail on himself to retract them; because the more he considered the subject in discussion, the more did he believe that if, after reading all the evidence on the table, and attending to the debate, any gentleman could continue to oppose the abolition of the slave-trade, and could thus avow himself, after a full knowledge of the subject, an abettor of this shameful traffic in human flesh, it could only be from some hardness of heart, or some such difficulty of understanding as he really knew not how to account for.

" Several gentlemen had considered this question as a question of political freedom; whereas it was no such thing. No man would suspect him of being an enemy to political freedom; his sentiments were too well known to leave him subject to such a suspicion. But this was a question not of political, but of personal freedom. Political freedom was undoubtedly as great a blessing as any people under heaven, considered collectively as a people, could pant after, or seek to possess; but political freedom when it came to be compared with personal freedom, sank to nothing, and became no blessing at all in comparison. To confound these two served, therefore, only to render all argument on either perplexing and unintelligible. It was personal freedom that was now the point in question. Personal freedom must be the first object of every human being; and it was a right, of which he who deprives a fellow-creature is absolutely criminal in so depriving him, and which he who withholds when it is in his power to restore, is no less criminal in withholding." Mr. Fox therefore declared that, " though he professed great regard for an honourable friend who had complained of his words, and for a noble lord who sat near him, (Lord John Russell), yet unless they endeavoured, zealously and sincerely, to put an end to so horrid a violation of personal freedom, as the African slave-trade most undoubtedly was, however it might hurt those for whom he felt an affection and respect, yet he could not so far compliment them as to retract his words, or to neglect speaking in the manner which his duty required, upon a subject so serious as the present.

" The House being now apprised of the nature of this trade, having received evidence, having had the facts undeniably established—knowing, in short, what the slave-trade was—he declared, that if they did not by the vote of that night mark to all mankind their abhorrence of a practice so enormous, so savage, so repugnant to all laws, human and divine, it would be more scandalous and more defaming in the eyes of the country and of the world than any vote which any House of Commons had ever given. He desired them seriously to reflect, before they gave their votes, what they were about to do that evening. If they voted that the slave-trade should not be abolished, they would, by their vote that night, give a parliamentary sanction to rapine, robbery, and murder; for a system of rapine, robbery, and murder, the slave-trade had now most clearly been proved to be.

" Every gentleman who had perused the examination of the witnesses upon the table, must acknowledge that he had not used one word too strong. He had read the Privy Council's report some time ago, but owned that it was but lately that he had turned his attention to the evidence since taken before the select committee; and he regretted that he had not done it sooner, for the facts he there found were such as proved the absolute necessity, on every consideration of morality and justice, of putting an end to a practice so pregnant with circumstances of terror and alarm to this country.

" That the pretence of danger to our West India Islands from the abolition was totally unfounded, the speech of the honourable gentleman who introduced the motion had fully convinced him; but if it had not, the speech of the right honourable the Chancellor of the Exchequer, in which speech he had in so masterly a manner established that point, must have given him complete satisfaction. If there was anything for him to find fault with in the right honourable gentleman's speech, he should say, that it could only be his dwelling so much on that part of the subject, and bestowing so much eloquence and ability on it, so as to give an air of more importance to the pretexts of the other side than they at all deserved; thus drawing the attention of the committee from the justice of the question—which was a thing of infinitely greater magnitude.

"It had been shown, on a comparison of the deaths and births in Jamaica, that there was not now any decrease; but if there had been, it would have made no difference in his conduct on the subject; for had the mortality been ever so great, he should have ascribed it entirely to the system of importing negroes, instead of encouraging the breed. If any man were to tell him of a country in which, though horses were used, yet very few were bred, this would not induce him to suppose there was any unfriendliness in the climate of that country to the natural propagation of horses, but merely to its being found cheaper by the inhabitants to buy horses than to breed them. It was not his fault," Mr. Fox said, "that he was reduced to the degrading necessity of speaking of human beings as if they were horses.

"But what he urged in the case of horses was evidently the case with slaves in the West Indies. The climate was declared to be remarkably congenial to them, and to be just like their own. This had been actually pleaded—with a different view indeed—in favour of the slave-trade. Then why should they not breed? It was merely because the West India planters thought it more convenient, more agreeable to them, or more cheap, to buy them fit for work, than to breed them: it was because the planters did not choose to treat them with that attention and humanity which would ensure their breeding. What then was the purpose for which this accursed and horrid traffic in human creatures was desired to be kept up? The purpose was this—in order to give the planters the opportunity of destroying the negroes on their estates as fast as they pleased. The plea on which the slave-trade to Africa was to be kept up—if the mortality in the islands was the plea—could only be in order to indulge the planters in the liberty of misusing their slaves, so as to check propagation; for it was from ill usage only that, in a climate so natural to them and so favourable, their numbers could ever diminish." Mr. Fox stated, therefore, that "if the mortality in the West Indies were ten times greater than it was, this would only be a ten times stronger reason for forbidding the importation of slaves. It would only argue ten times more ill usage than now prevailed, and Parliament would be so much the more loudly called upon to put an end to a system so destructive of human life.

"The very ground, therefore, on which the planters rested the necessity of fresh importations, namely, the destruction of lives in the West Indies, was itself the strongest reason that could possibly be given for the abolition of the trade, and the more strongly they chose to urge the more strongly should he argue from it the necessity of the present measure, and the serious need there was of a parliamentary interference." He observed also, "that if anything could aggravate the national guilt of the slave-trade on the coast of Africa, it was this same dreadful argument of its being necessary in order to replace the lives destroyed by our inhuman system of treating them in the West Indies."

Mr. Fox next adverted to some instances of cruelty which had been mentioned, and which appeared in actual evidence. He thought "that an honourable gentleman (Mr. William Smith) who had spoken with much sound argument and manly sense, had done well to introduce those stories which had made such an impression on the House, that he could scarcely bear to be present when such horrid tales were even related. But had the truth of any one of them been controverted? An honourable gentleman (Mr. Cawthorne), by way of discrediting the account given of the African captain's cruelty to the child ten months old, could only say that it was too bad to be true, and that it was impossible; and in order to discredit the witness, had bid them look to his cross-examination. The honourable gentleman, however, had declined turning to the cross-examination, the whole of which," Mr. Fox desired the House to observe, "amounted to this: that when pressed, in the closest and strictest manner, by some able persons of that House, the only inconsistency they could fix upon him was a doubt whether the fact had happened on the same day of the same month of the year 1764, or the year 1765."

He observed, that "absolute power was not denied to be exercised by the slave captains; and if this were granted, such was human nature, that he was persuaded all the cruelties charged upon them would naturally follow." He also remarked, that "nothing less than complete arbitrary power was exercised over the slaves in the West Indies," and he spoke of the abuse of it, which there as well as everywhere else must be the consequence. "Never did he hear of any charges exhibited against any set of men, before any court or legislature, of so black and horrible a nature as those contained in the evidence now on the table; and it became those who laboured under them to come forward to vindicate their characters to their country.

"Many, in short, were the instances of cruelty to which this trade gave rise. It was a scene of such iniquity and oppression in every one of its stages, that if the House, with all their present knowledge of the circumstances, should dare to vote for its continuance, they must have nerves of which he had no conception. We might find instances, indeed, in ancient history, of men violating all the feelings of nature in some cases of an extraordinary kind. Fathers have sacrificed their sons and daughters, and husbands their wives; but if we were to do violence to the feelings of humanity, and, in this respect, to imitate their characters, we ought not only to have nerves as strong as the two Brutuses, but we ought also to take care that we had a cause as good, and that we had motives for such a dereliction of our feelings as patriotic and public spirited as they had.

"But what was this trade so contended for—this wholesale sacrifice of a whole order and race of our fellow-creatures—which, in violence to all our feelings, we were asked to vote the continuance of? It was a traffic for human beings, who were to be carried away by force from their native country, to be subjected to the mere will and caprice, the tyranny and oppression, of other human beings, for their whole natural lives, they and their posterity for ever!"

Mr. Fox then entered into some account of the trade, tracing it from its first scenes in Africa, through the middle passage, to its conclusion. "It was impossible," he said, "to consider it in the light of any natural or ordinary commerce. It was on the first view obvious that there could not be a multitude of human beings at all times ready to be furnished, in the way of fair articles of commerce, just as our commerce, just as our occasion, might require. The argument urged by the right honourable the Chancellor of the Exchequer upon this head was perfectly unanswerable. Our demand was fluctuating, it entirely ceased at some times, nay, for whole years together, as was the case during the last war; sometimes, again, a demand for slaves was great and pressing. How, then, was it possible, on every sudden call, to furnish a sufficient return in slaves, without resorting to those means of obtaining them which had been mentioned, and the very mention of which was sufficient to strike us with horror?" He observed, "there had been three means stated of procuring slaves; namely, those of war, trade, and crimes supposed to be committed, each of which he would now a little examine the justice of.

"Captives in war, it was urged, were in uncivilized countries commonly doomed to slavery. This, however, was false in point of fact; and it was so far from being the case in Europe, that it was become a custom, founded on the wisest policy, to pay the captives a peculiar respect and civility. Ought we not to inculcate the same principles in Africa? So far from it, we encouraged wars for the sake of taking, not the man's goods and possessions, but the man himself; and it was not the war that was the cause of the slave-trade, but the slave-trade that was the cause of the war. The practice was, as appeared in evidence, for the slave merchants to carry presents, consisting commonly of spirits, to the African kings, and when intoxicated with them, then it was that the royal prerogative of making war was exercised. An instance was mentioned in evidence, of an African prince, who, when sober, had resisted the wishes of the slave merchants; but who, in the moment of inebriety, gave the word for war, attacked the next village, inhabited by his own subjects, carried them all off, and sold them to the slave merchants."

After dwelling on the enormity of the system of making war in Africa, which was one source of obtaining slaves, he came next to the second way of procuring them, namely, that of trade. "This," he said, "was proved by the most undeniable evidence to be little more or less than a most shameful and unrestrained system of kidnapping. He referred the House to various instances of this. He mentioned one case in which the agent of the merchants affected to act as mediator between two contending parties, who, if he might be allowed to use a pun on so melancholy an occasion, certainly brought the two parties together, for he brought them tied back to back to one another, and hurried them both on board a slave-ship. There was another instance of a considerable black slave merchant, who, after having sold a girl whom he had kidnapped, was presently after kidnapped and carried away himself; and when he asked the African captain in his strange language, 'What, take me grand trader too?' the only answer was, 'Yes, we will take you, or her, or any one else, provided anybody will sell you to us.' And accordingly, both the trader and the child were carried off together to the West Indies."

Mr. Fox then adverted to the third mode of obtaining slaves; namely, by crimes committed, or supposed to be committed. "This had been stated in such a way that one would think the slave-trade was kept up by us, on a sort of friendly principle, and as a necessary part of the police of that country. It was remarkable that two of the chief crimes which produced convictions were adultery and witchcraft. Was adultery, then, a crime which we need go to Africa to punish? Was this the way we took to establish the purity of our national character? Where marriage was solemnly instituted as a religious rite, as it was in this civilized country, he should be sorry to speak lightly of the crime of adultery. But was Africa the place where Englishmen, above all men, ought to go in search of adulterers? Did it become us, to use our Saviour's expression, 'to cast the first stone?' It was a most extraordinary pilgrimage for a most extraordinary purpose! And yet this was one of the chief crimes by which, in this civilized country, we justified our right of carrying off its inhabitants into perpetual slavery in the West Indies. The next crime to this was the supposed one of witchcraft. We ourselves, more enlightened than they, were aware that the crime did not really exist; but instead of humanely trying to dispel their blindness and ignorance, we rather chose, for the sake of the slave-trade, to lend ourselves to their superstition, and become the instruments of their blind vengeance. We stood by, we heard the trial, we knew the crime to be impossible, and that the accused must be innocent; but we waited in patient silence for his condemnation, and then we lent our friendly aid to the police of the country by buying the wretched convict, with all his family, whom, for the benefit of Africa, we carried away also into perpetual slavery."

Having spoken of the three ways of obtaining slaves, Mr. Fox proceeded to the manner of their transportation. "He knew not how to give the House a more correct idea of all the horrors of their situation when on board than by referring them to the section of a slave-ship, where the eye might see what the tongue must fall short in describing." Here he enlarged on the effects of despotic power in the case of captains of slave-ships, and on the strange instances of cruelty, proved in evidence, to have been perpetrated. "They had been thought by some persons to be so extravagant, that the term of insanity had been used; and, indeed, they were unaccountable, except on the principle that despotic power by long use is apt to produce acts of cruelty so enormous that they have been known frequently to assume the appearance of insanity. Among European sovereigns, indeed, the mild influence of religion, philosophy, and the modern limitations of power, had rendered acts of despotism and cruelty far from common; but among the Emperors of Rome, how many were there who, by the unrestrained use of their power, became so cruel as to be suspected of occasional insanity, just as many masters of slave-ships had been. Who was there that ever read in the Roman history the facts recorded of Nero without suspecting he was mad? Who would not be apt to impute insanity to that monster Caligula? Who would not think the same of Domitian? Who would hesitate to pronounce Caracalla insane? Who could otherwise account for the vices of Commodus? Or who could not doubt that Heliogabalus was out of his senses? Here were six Roman Emperors, not connected in blood or by descent, who, each of them possessing uncontrolled power, had been so distinguished for cruelty that nothing short of insanity could well be imputed to them. He then asked whether the insanity of the masters of slave-ships might not be suspected to be something of the same species, and might not be accounted for upon much the same principles?"

Mr. Fox then proceeded to the situation of the slaves when brought to the West Indies. "It had been said, indeed, that they were taken from a worse state to a better. The House, he knew, could not wish to hear recitals of cruelty, nor did he like to dwell upon them. It was their duty, however, in the present case to open their ears to them, and the House," exclaimed Mr. Fox, "shall hear them. An honourable gentleman before him had quoted some instances, and he would now quote two more. The first was in a French island; but was declared to by witnesses of unimpeachable credit. A slave under hard usage, urged by the first impulse of nature, had run away, and attempted to get his liberty. To prevent his repeating the offence, the planter sent for his surgeon, and said to him, 'Cut off this man's leg.' The surgeon, who had more humanity than his master, refused. 'You refuse,' said the planter; 'then what you decline as an act of friendship to me, I will compel you to do as an act of duty.' Upon this the planter broke the poor man's leg. 'There now,' said he to the surgeon, 'you must cut off his leg or the man will die.' We might console ourselves, perhaps, that this was in a French island, but in the English there was no great difference; and the next instance he should state was in an island of our own. A gentleman (Mr. Ross, as appeared in evidence,) while he was walking along, heard the shrieks of a female issuing from a barn or outhouse; and as they were much too violent to be excited by any ordinary punishment, he was prompted to go near and see what could be the matter. On looking in, he perceived a young female tied up to a beam by her wrists, entirely naked, and in the act of involuntarily writhing and swinging, while the author of her torture was standing below her with a lighted torch in his hand, which he applied to all the parts of her body as it approached him. What crime this miserable wretch had perpetrated he knew not; but that was of little consequence, as the human mind could not conceive a crime in any degree warranting such a punishment."

By the manner in which the House received this story, Mr. Fox observed to them, "that he saw the tale was so horrid that they could not listen to it without shrinking. Will the House, then," said he, "sanction enormities, the bare recital of which was sufficient to make them shudder? Let them remember that humanity consisted not in a squeamish ear. It consisted not in starting or shrinking at such tales as these, but in a disposition of heart to relieve misery, and to prevent the repetition of cruelty. Humanity appertained rather to the mind than to the nerves; and it would prompt men to use real and disinterested endeavours to give happiness to their fellow-creatures. Here, in England, such was our indignation at every act of injustice, that a highwayman, a pickpocket, or even a pilferer, was by law condemned to death; so jealous were we in cases where our own property was concerned! But we permitted to go unpunished crimes committed in consequence of the slave-trade, in comparison with which the criminal practices of England were innocence itself. What was the consequence of this? We unsettled the principles of justice in the minds of men, and we deprived the Legislature of that strong influence which it ought to derive from its known integrity and from its uniform consistency of conduct. It was as important, therefore, in sound policy as it was in point of justice and honour, to abolish a trade which discredited our morals and police at home, as well as our national character abroad. For what could any foreigner think either of our justice or consistency who should see a man that had picked a pocket going to be hanged for the crime, while all the enormities which had been perpetrated in Africa, and all the other cruelties now in evidence before the House, were known not only to pass off with impunity, but the continuance of them to be permitted by a vote of the British Parliament?

"It was said, however, that the Africans were less happy at home than in the islands, and that we were therefore justified in carrying them away. But what right had we to be the judges of this, or to force upon them a new condition? 'However unhappy in your opinion,' they might say to us, 'yet we wish for the comforts that surround us, the social relations of life, the liberty of our native though uncultivated plains; and you have no right to change, nay, even to better, our condition.' But it was ridiculous to plead that we bettered their condition when we dragged them from everything that was dear in life, and reduced them to the most abject state of slavery!

"One argument, indeed, had been used by an honourable alderman, in the way of commercial policy, which, for a subject so grave, was rather too ridiculous. The slave-trade, said the honourable alderman, was necessary, on account of the support it gave to our fisheries, for that the Newfoundland trade depended on the slaves for the consumption of a vast quantity of refuse fish, for which there would otherwise be no vent. What was this but to say, that the slave-trade must be kept up, with all its enormities, in order that there might be persons to eat up the refuse fish which was too bad for any body else to eat!

"It had been said that England ought not to abolish the trade unless France, Spain, and Holland, would also give it up. But if it was a trade founded in violence and injustice, Great Britain ought to wash her hands of it at any rate; nor was the practice of other countries anything at all to the question. It was as if a person addicted to felony, but now conscious of his past guilt, should say, 'There is a man, now, whom I have an opportunity of robbing on the highway; I am extremely sorry to do it, for I am become fully sensible of the guilt; but I know that if I should not rob him, there is another highwayman, half-a-mile further on the road, who certainly will, and thus he will get the man's purse instead of myself.' Mere gain was not a motive for a great country to rest on, as a justification of any measure; it was not the first purpose of a well-regulated government: honour was its superior, as much as justice was superior to honour.

"With regard to the emancipation of the negroes already in slavery, his own doubts of the efficacy of an act of the British Legislature for this purpose was a reason for not entering into it. He himself did not think such a measure could be suddenly ventured upon; and though every man had a right to freedom, yet it should be observed, that men inured to slavery all their lives felt certainly less degraded by it, than those who were born to independence. It might be dangerous to give freedom at once to a man used to slavery, on the same ground as, in the case of a man who had never seen daylight, there might be danger of blinding him, if you were to expose him all at once to the glare of the sun."

Mr. Fox "condemned the arrogance of the notion, that all the inhabitants of Africa had minds inferior to ourselves. How did we know that such was the case? Why might there not be men in Africa of as fine feelings as ourselves, of as enlarged understandings, and as manly in their minds as any of us?" He then mentioned the case of an African captain, "who heard in the night some violent groanings, which had caused a disturbance in his ship. There was among his slaves one person of considerable consequence, a man once high in military station, with a mind not insensible to the eminence of his rank, who, having been taken captive in battle, was sold to the slave-ships, and laid promiscuously with the rest. Happening in the night to obtain room to stretch his weary limbs at rather more ease than usual, he had fallen fast asleep, and he dreamt that he was in his own country, high in honour and in command, caressed by his family and his friends, waited on by his domestics, and surrounded with all his former comforts in life; when awaking somewhat suddenly, he found himself fastened down in the hold of a slave-ship, and was heard to burst into loud groans and lamentations on the miserable contrast of his present state, mixed with the meanest of his subjects, and subjected to the insolence of wretches, a thousand times lower than himself in every kind of endowment! Mr. Fox appealed to the House, whether this was not as moving a picture of the miserable effects of the slave-trade as any that could be imagined. There was one way, and it was an extremely good one, by which any man might come to a judgment on these points—let him make the case his own. What," said he, "should any one of us, who are members of this House, say, and how should we feel, if conquered and carried away by a tribe as savage as our countrymen on the coast of Africa show themselves to be? How should we brook the same indignities, or bear the same treatment ourselves, which we do not scruple to inflict on them?"

Having made this appeal to the feelings of the House, Mr. Fox proceeded to observe, that "great stress had been laid on the countenance that was given to slavery by the Christian religion. So far was this from being true, that he thought one of the most splendid triumphs of Christianity was its having caused slavery to be so generally abolished, as soon as ever it appeared in the world. One obvious ground on which it did this was by teaching us, that in the sight of Heaven all mankind are equal. The same effect might be expected also from the general principles which it taught. Its powerful influence appeared to have done more in this respect than all the ancient systems of philosophy; though even in them, in point of theory, we might trace great liberality and consideration for human rights. Where could be found finer sentiments of liberty, than in the works of Demosthenes and Cicero? Where should we meet with bolder assertions of the rights of mankind, and the dignity of human nature, than in the historians Tacitus and Thucydides? It was remarkable, however, that these great men kept slaves in their houses, and permitted a whole order of slaves to exist in their country. He knew, indeed, that what he had been ascribing to Christianity, some imputed to the advances which philosophy had made. Each of the two parties took the merit to itself: the divine gave it to religion, the philosopher to philosophy. He should not dispute with either of them; but as both coveted the praise, why should they not emulate each other in promoting this improvement in the condition of the human race?"

Mr. Fox, having drawn his argument on the general question to a conclusion, "wished," he said, "to give an answer to an honourable baronet over the way (Sir Archibald Edmondstone) who had asked, What was meant to be done by the honourable mover, if the present question for leave to bring in a bill should be carried?" Mr. Fox said, that "he conceived the intention of the honourable mover undoubtedly was to bring in a bill for abolishing the slave-trade immediately; but that the forms of the House made it necessary that the time should be left in blank, and that the blank might be filled up by naming any period of one, two, three, or four years, as the House might think expedient; so that there was no reason why the honourable baronet, or any other gentleman who objected to so immediate an abolition, should not in this instance vote with him." Mr. Fox paid some compliments to the honourable gentleman who introduced the motion, saying, that "he had fully intended to make a motion for leave to bring in a bill of the same nature, but that he was extremely happy it had fallen into better hands." He declared, that "the whole country, and indeed the whole civilized world, must rejoice that such a bill had been moved for, not merely as a matter of humanity, but as an act of justice, and nothing else—for he would put humanity wholly out of the case. He asked, could it be called humanity to forbear from committing murder? Exactly upon this ground did the present motion stand, being strictly a question of national justice." Mr. Fox observed, that "it could not be supposed that he had been induced on the present occasion to lend his assistance by any personal considerations, and he assured the friends to the abolition that in whatever situation he might be placed his warmest efforts should be used in promoting this great cause."

As soon as Mr. Fox had sat down, Mr. Stanley said, that "he came to the House purposing to vote against the abolition, but that the impression made both on his understanding and his feelings was such as he could not resist; and he was now convinced that an entire abolition of the slave-trade was called for equally by sound policy and justice." The Honourable Mr. Ryder (afterwards Earl of Harrowby) said, "he came to the House not exactly in the circumstances of the honourable gentleman who had just spoken, but very much undecided on the subject; he, however, was so strongly convinced by the arguments he had heard, that he was become equally earnest for the abolition." Mr. Burke observed, that "he had for a long time had his mind drawn to the slave-trade; that he had even prepared some measures for its regulation, conceiving the immediate abolition of it, though highly desirable, to be a thing which could then hardly be hoped for: but when he found the honourable mover was bringing forward the present question, which he approved much more than his own, he had burnt his papers. He rejoiced at the submission to reason and argument which gentlemen, who came there with minds somewhat prejudiced, had avowed on that day. They thereby told their constituents, as they ought to tell them, that it was impossible for them, if sent to hear discussion in the House of Commons, to avoid surrendering up their hearts and judgments to the cause in question, however they might have been taught beforehand to come prejudiced against it."

On a division, Mr. Wilberforce's motion was lost by a majority of 163 to 88.

Quebec Bill.—Separation between Mr. Fox and Mr. Burke.

In the month of November, 1790, Mr. Burke published his celebrated work, "Reflections on the Revolution in France." No previous production ever excited so much attention. Within a year of its publication not less than thirty thousand copies were sold. Nor was its celebrity confined to England. M. Dupont, the friend of Burke, translated it into French, and thus extended its fame to the larger part of civilized Europe.

By many the book was considered as assailing the very foundations of liberty, and among this number was Mr. Fox, who, upon a subject of such importance, was not likely to conceal his opinions. He had never done so from the first. In the beginning of February, 1790, he took occasion, in the debate on the army estimates, to express sentiments with reference to the French revolution very different from those of Mr. Burke, and, after the appearance of Mr. Burke's book, he had, both in public and private, avowed opinions totally in opposition to those contained in it.

During the debate on the 15th of April, 1791, on Mr. Baker's motion relative to the war with Russia, Mr. Fox declared that "the new constitution of France was the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any age or country." As soon as Mr. Fox sat down, Mr. Burke rose, in much visible emotion, to reply; but the cry of "Question" being general, he unwillingly gave way to the division, which immediately took place. An opportunity was soon afterwards afforded to Mr. Burke of replying to Mr. Fox in one of the debates on the Quebec Bill.

By this measure, which was passed into a law,* Canada was divided into two separate provinces, Upper and Lower Canada,† for each of which a Legislative Council and Assembly were provided, after the model of our Houses of Parliament. To the former the Governor, or Lieutenant-Governor, of each province, had the power of summoning a certain number of members; and his Majesty could confer a right to sit in it by granting hereditary titles. The number of the members of the Legislative Council in Upper Canada was not to be less than seven, and in Lower Canada not less than fifteen. The members of the House of Assembly were to be elected by districts and townships, and to continue for four years, unless sooner dissolved: the qualification for voters in the former being a freehold of forty shillings a year, and in the latter, owning a house of £5, or occupying one of £10 a year. The number of members of the House of Assembly in Upper Canada was not to be less than sixteen, and in Lower Canada not less than fifty: the Governors of the respective provinces were to be authorized to convene, as well as to prorogue and dissolve, the Legislative Council and Assembly in each province. Landed property was to be held in Upper Canada, and, if desired, in Lower Canada also, in soccage tenure: the Habeas Corpus was to be established in both provinces: but the general administration of the law was to continue as it had been, until altered by the Provincial Assemblies. The Crown was authorized to empower the Governor of each province to make allotments of land, equal in value to the seventh part of the lands granted, for the support of the Protestant clergy within the same. To prevent any such discontents, as had occasioned the separation of the States of America from Great Britain, no taxes were to be imposed on the colonists by the British Legislature, except such as were necessary for the regulation of commerce; and even those were to be levied and disposed of under the authority of the provincial legislatures.

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* 31 Geo. III. c. 31.

† By 3 and 4 Vict. c. 35, the two provinces are re-united under the name of the Province of Canada; the Crown is authorized to appoint a Legislative Council, to consist of not fewer than twenty members, each of whom is to hold his seat for life; and the parts of the province which theretofore constituted the provinces of Upper and Lower Canada, are to return an equal number of representatives to the House of Assembly.

April 8. On the order of the day for taking into further consideration the report of the committee on the Quebec Bill, Mr. Hussey, after presenting a petition against it from several merchants and others interested in the trade to Quebec, moved "that the bill be recommitted."

Mr. Fox seconded the motion. He began by expressing his hope that in promulgating the scheme of a new constitution for the province of Quebec, the House would keep in view those enlightened principles of freedom which had already made a rapid progress over a considerable portion of the globe, and were every day becoming more and more universal. He observed, "that the bill contained a great variety of clauses of the utmost importance, not only with respect to the country to which they immediately related, but to Great Britain. Many of these clauses appeared to be very exceptionable, and such as he could by no means subscribe to. The bill proposed to give two assemblies to the two provinces, and thus far it met with his approbation; but the number of persons of whom these assemblies were to consist deserved particular attention. Although it might be perfectly true that a country three or four times as large as Great Britain ought to have representatives three or four times as numerous, yet it was not fit to say that a small country should have an assembly proportionably small. The great object in the institution of all popular assemblies was, that the people should be fully and freely represented; and that the representative body should have all the virtues and the vices incidental to such assemblies. But when they made an assembly to consist of sixteen or thirty persons they seemed to him to give a free constitution in appearance, when, in fact, they withheld it. In Great Britain we had a Septennial Bill; but the goodness of it had been considered doubtful, at least, even by many of those who took a lead in the present bill. The right honourable gentleman the Chancellor of the Exchequer had himself supported a vote for the repeal of that act. He did not now mean to discuss its merits; but a main ground on which it had been thought defensible was, that a general election in this country was attended with a variety of inconveniences. That general elections in Great Britain were attended with several inconveniences could not be doubted; but when they came to a country so different in all circumstances as Canada, and where elections, for many years at least, were not likely to be attended with the consequences which they dreaded, why they should make such assemblies not annual or triennial, but septennial, was beyond his comprehension. A septennial bill did not apply to many of the most respectable persons in that country; they might be persons engaged in trade, and if chosen representatives for seven years they might not be in a situation to attend during all that period; their affairs might call them to England, or many other circumstances might arise effectually to prevent them from attending the service of their country. But although it might be inconvenient for such persons to attend such assembly for the term of seven years, they might be able to give their attendance for one, or even for three years, without any danger or inconvenience to their commercial concerns. By a septennial bill, the country of Canada might be deprived of many of the few representatives that were allowed by the bill. If it should be said that this objection applied to Great Britain, he completely denied it; because, although there were persons engaged in trade in the British House of Commons, and many of them very worthy members, yet they were comparatively few; and therefore he should think that, from the situation of Canada, annual or triennial parliaments would be much preferable to septennial. Of the qualification of electors he felt it impossible to approve. In England, a freehold of forty shillings was sufficient; five pounds were necessary in Canada. Perhaps it might be said, that when this was fairly considered, it would make no material difference, and this he suspected to be the case; but granting that it did not, when we were giving to the world, by this bill, our notions of the principles of election, we should not hold out that the qualifications in Great Britain were lower than they ought to be. The qualifications on a house were still higher; he believed, ten pounds.

"He thought that the whole of this constitution was an attempt to undermine and contradict the professed purport of the bill—the introduction of a popular government into Canada. But although this was the case with respect to the two assemblies, although they were to consist of so inconsiderable a number of members, the Legislative Councils in both provinces were unlimited as to numbers. They might consist of any number whatever at the will of the Governor. Instead of being hereditary councils, or councils chosen by electors, as was the case in some of the colonies in the West Indies, or chosen by the King, they were compounded of the other two. As to the points of hereditary powers and hereditary honours, to say that they were good, or that they were not good, as a general proposition, was not easily maintained; but he saw nothing so good in hereditary powers and honours, as to incline us to introduce them into a country where they were unknown, and by such means distinguish Canada from all the colonies in the West Indies. In countries where they made a part of the constitution, he did not think it wise to destroy them; but to give birth and life to such principles in countries where they did not exist, appeared to him to be exceedingly unwise. He could not account for it, unless it was that Canada having been formerly a French colony, there might be an opportunity of reviving those titles of honour the extinction of which some gentlemen so much deplored, and of reviving in the West that spirit of chivalry which had fallen into disgrace in a neighbouring country. He said, 'are those red and blue ribbons which have lost their lustre in the old world again to shine forth in the new?' It seemed to him peculiarly absurd to introduce hereditary honours in America, where those artificial distinctions stunk in the nostrils of the natives. He thought these powers and honours wholly unnecessary, and tending rather to make a new constitution worse than better. If the Council were wholly hereditary he should equally object to it; it would only add to the power of the King and the Governor; for a council so constituted would only be the tool of the Governor, as the Governor himself would only be the tool and engine of the King. He did not clearly comprehend the provision which the bill made for the Protestant clergy. By the Protestant clergy he supposed to be understood not only the clergy of the Church of England, but all descriptions of Protestants.

"He totally disapproved of the clause which enacts, 'That whenever the King shall make grants of lands, one-seventh part of those lands shall be appropriated to the Protestant clergy.' He had two objections to these regulations, both of them, in his opinion, of great weight. In all grants of lands made in that country to Catholics, and a majority of the inhabitants were of that persuasion, one-seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any cure of souls, or any congregations to instruct. One-tenth part of the produce of this country was assigned, and this, perhaps, was more than one-seventh part of the land. He wished to deprive no clergyman of his just rights; but in settling a new constitution, and laying down new principles, to enact that the clergy should have one-seventh of all grants, he must confess appeared to him an absurd doctrine. If they were all of the Church of England this would not reconcile him to the measure. It might be asked, why should they not have as much as those of the Church of England? In this country we had that which some condemned and others praised; we had a kind of show, but still a proportion must be observed. The greatest part of these Protestant clergy were not of the Church of England; they were chiefly what are called Protestant Dissenters in this country. They were, therefore, going to give to Dissenters one-seventh part of all the lands in the province. Was this the proportion, either in Scotland, or in any other country where those religious principles were professed? It was not the proportion, either in Scotland, or in any other ecclesiastical country in Europe; we were, therefore, by this bill making a sort of provision for the Protestant clergy of Canada, which was unknown to them in every part of Europe; a provision, in his apprehension, which would rather tend to corrupt than to benefit them. The regulation was likewise, in part, obscure, because after it had stated that one-seventh portion of the land should always be set aside for the Protestant clergy, it did not state how it should be applied.

"The bill was likewise exceptionable as far as it related to the regulation of appeals. Suitors were, in the first instance, to carry their complaints before the courts of common law in Canada; if dissatisfied with the decisions of those courts, they might appeal to the Governor and council; if dissatisfied with their judgment, they might then appeal to the King in council; and next to the House of Lords. Now, if the House of Lords was a better court, which he believed it to be, than the King in council, why compel them to appeal to the King in council, before they could come to the House of Lords? Why not apply to the House of Lords at once? This could answer no possible purpose, but to render lawsuits exceedingly expensive, and exceedingly vexatious.

"Those were the principal objections he had to this bill. There had not yet been a word said in explanation of it, with all its variety of clauses and regulations. It went through the House silently, without one observation; it also went through the committee only in form, but not in substance. Of all the points of the bill, that which struck him the most forcibly, was the division of the province of Canada. It had been urged that by such means we could separate the English and the French inhabitants of the province; that we could distinguish who were originally French from those of English origin. But was this to be desired? Was it not rather to be avoided? Was it agreeable to general political expediency? The most desirable circumstance was, that the French and English inhabitants of Canada should unite and coalesce, as it were, into one body, and that the different distinctions of the people might be extinguished for ever. If this had been the object in view, the English laws might soon have prevailed universally throughout Canada, not from force, but from choice and conviction of their superiority. He had no doubt, that on a fair trial they would be found free from all objection. The inhabitants of Canada had not the laws of France. The commercial code was never established there; they stood upon the exceedingly inconvenient custom of Paris. He wished the people of that country to adopt the English laws from choice, and not from force; and he did not think the division of the province the most likely means to bring about this desirable end.

"In his opinion this bill was also objectionable as far as it related to the trial by jury, and the Habeas Corpus Act, which the Canadians were said to enjoy by an ordinance of the province. It was stated by one of the council at the bar, that either the ordinance which gave the inhabitants the trial by jury, or that which afforded them the benefit of the Habeas Corpus Act, would expire before this bill could pass into a law. If this were true it was an objection to the bill, and ought to be remedied. He trusted that the House would also seriously consider the particular situation of Canada. It was not to be compared to the West Indies; it was a country of a different nature; it did not consist of a few white inhabitants and a number of slaves; but it was a country of great growing population, which had increased very much, and which he hoped would increase much more. It was a country as capable of enjoying political freedom in its utmost extent as any other country on the face of the globe. This country was situated near the colonies of North America: all their animosity and bitterness on the quarrel between them and Great Britain was now over; and he believed that there were very few people among those colonies who would not be ready to admit every person belonging to this country into a participation of all their privileges, and would receive them with open arms. The governments now established in North America were, in his opinion, the best adapted to the situation of the people who lived under them, of any of the governments of the ancient or modern world: and when we had a colony like this, capable of freedom, and capable of a great increase of population, it was material that the inhabitants should have nothing to look to among their neighbours to excite their envy. Canada must be preserved in its adherence to Great Britain by the choice of its inhabitants, and it could not possibly be kept by any other means. But it must be felt by the inhabitants that their situation was not worse than that of their neighbours. He wished them to be in such a situation as to have nothing to envy in any part of the King's dominions. But this would never prove the case under a bill which held out to them something like the shadow of the British constitution, but denied them the substance. Where the principles of liberty were gaining ground, which would increase in consequence of the general diffusion of literature and knowledge in the world, they should have a government as agreeable to the genuine principles of freedom as was consistent with the nature of circumstances. He did not think that the government intended to be established by the bill would prove such a government; and this was his principal motive for opposing it.

"The Legislative Councils ought to be totally free, and repeatedly chosen, in a manner as much independent of the Governor as the nature of a colony would admit. Those, he conceived, would be the best; but if not, they should have their seats for life, be appointed by the King, consist of a limited number, and possess no hereditary honours. Those honours might be very proper, and of great utility, in countries where they had existed by long custom; but, in his opinion, they were not fit to be introduced where they had no original existence; where there was no particular reason for introducing them, arising from the nature of the country, its extent, its state of improvement, or its peculiar customs; where, instead of attracting respect, they might excite envy; and as but few could enjoy them, those who did not, might be induced to form an unfavourable comparison between their own situation and that of their neighbours, among whom no such distinctions were known. Even whilst he felt himself perfectly desirous of establishing a permanent provision for the clergy, he could not think of making for them a provision so considerable as was unknown in any country of Europe, where the species of religion to be provided for prevailed. It was upon these grounds which he had stated, that he felt himself justified in seconding the motion of his honourable friend."

After Mr. Pitt had replied to Mr. Fox, the motion for the recommitment of the bill was agreed to. Mr. Burke was not in the House during Mr. Fox's speech.

After the debate on Mr. Baker's motion relative to a war with Russia, a rupture between Mr. Fox and Mr. Burke was distinctly foreseen, both by their friends and the public. Still, however, the external appearances of friendship were maintained between them; and on the 21st of April, when the Canada Bill was to be debated in committee, they not only walked to the House together, but Mr. Fox treated Mr. Burke, in a previous conversation, with confidence, and mentioned to him a political circumstance of some delicacy. When they entered the House, they found that Mr. Sheridan had moved to postpone the re-commitment of the bill until after the holidays. Mr. M. A. Taylor complained of the manner in which the constitutions of other countries had been discussed, and declared that if such a course were continued he should call members to order.

Mr. Fox took the opportunity of explaining what he had said on the former question relative to the Quebec Bill. After lamenting that he had been misunderstood before, he admitted that in forming a government for a colony, some attention must be paid to the general principles of all governments. "In the course of this session," he said, "he had taken opportunities of alluding, perhaps too often, to the French Revolution, and to show, whether right or wrong, that his opinion on the whole was much in its favour; but on this bill he had only introduced one levity, silly enough perhaps, and not worth recollection, that had any relation to the French Revolution; he meant an allusion to the extinction of nobility in France and its revival in Canada. Certainly he had spoken much on the government of the American states, because they were in the neighbourhood of Canada, and were connected with that province. Having then observed that the prudence of concealing his opinions was a quality which his dearest friends had not very often imputed to him, and that he thought the public had a right to the opinions of public men on public measures, he declared that he never had stated any republican principles with regard to this country in or out of Parliament; and among other things he said that when the Quebec Bill came again to be discussed, from the great respect which he entertained for some of his friends, he should be extremely sorry to differ from them; but he should never be backward in delivering his opinion, and he did not wish to recede from anything which he had formerly advanced."

Mr. Powys complained that the debate had turned irregularly both on retrospect and anticipation, and hinted that Mr. Fox should have imitated the example of Mr. Burke, in writing, rather than speaking there, of the French Revolution. Mr. Dundas then took notice of a phrase used by Mr. Taylor, who explained; after which the conversation was closed by Mr. Burke. He, in a very affecting manner, assured the House, that "nothing depressed him more—nothing had ever more afflicted him in body and mind—than the thought of meeting his friend as an adversary and antagonist." After noticing the anticipation which had been suggested, and the observations which had been made, but to which he trusted that he had given no just cause, he declared his sentiments, that "in framing a new constitution, it was necessary to refer to principles of government and examples of other constitutions, because it was a material part of every political question to see how far such and such principles have been adopted, and how they have succeeded in other places. His opinions on government he presumed not to be unknown; and the more he considered the French constitution, the more sorry he was to see it. Once in the preceding session he had thought himself under the necessity of speaking very fully upon the subject, but since that time he had never mentioned it either directly or indirectly; no man, therefore, could charge him with having provoked the conversation that had passed." He signified, however, his intention of giving his judgment on certain principles of government at the proper moment, in the future progress of the Quebec Bill. He alluded with much candour to Mr. Fox's recent panegyric on France, as well as his own ineffectual attempt to rise in answer to it, acquitting his friend from all design of personal offence in it; and he finished by saying, that "should he and his friend differ, he desired it to be recollected, that however dear he considered his friendship, there was something still dearer in his mind—the love of his country: nor was he stimulated by Ministers to take the part which he should take; for whatever they knew of his political sentiments, they had learned from him, not he from them." The House agreed to go into committee on the bill on the 6th of May.

May 6th. The House proceeded to the re-commitment of the Quebec Bill. The chairman took the chair, and began by putting the usual question, "That the bill be read paragraph by paragraph." Upon this Mr. Burke immediately rose. He remarked, that "as the House was about to appoint a legislature for a distant people, it ought first previously to be convinced that it was in itself competent to the assumption of such a power. A body of rights, commonly called the 'Rights of Man,' had been lately imported from a neighbouring country, and held up by certain persons in this kingdom as paramount to all other rights. A principal article in this new code was, 'That all men are born free, equal in respect of rights, and continue so in society.' If such a doctrine were to be admitted, the power of the House could extend no further than to call together the inhabitants of Canada, and recommend to them the free choice of a government for themselves. But he rather chose to argue from another code, on which mankind in all ages had hitherto acted—from the law of nations. On this alone he conceived the competence of the House to rest; from this we learnt that we possessed a right of legislating for Canada, founded upon a claim of sovereignty over that country, which was at first obtained by conquest, but afterwards confirmed and acknowledged by the cession of its former government, and established by a long uninterrupted possession. The competence of the House, therefore, being admitted, the next point to be considered was, after what model the proposed constitution was to be formed. In Canada there were well known to be many ancient French inhabitants, and many new American settlers, who had migrated from the United States. It might on this account be proper to inquire, whether the constitutions of America or France possessed anything superior to our own constitution; anything which, if unprovided by the bill, might make those people contemplate with regret the happier situation of their fellow-countrymen.

"The Americans had, he believed, formed a constitution for themselves well adapted to their peculiar circumstances. They had in some degree received a republican education, as their ancient government partly partook of republicanism, restrained in its principles and vices by the beneficence of an overruling monarchy. The formation of their constitution was preceded by a long war, in the course of which, by military discipline, they had learned order, submission to command, and a regard for great men. They had learned what—if it was allowable in so enlightened an age as the present to allude to antiquity—a King of Sparta had said was the great wisdom to be learned in his country—to command and to obey. They were trained to government by war; not by plots, murders, and assassinations. Another circumstance of considerable weight was, that they did not possess among them the materials of monarchy or aristocracy. They acted, however, too wisely to set up so absurd an idea, as that the nation should govern the nation; but formed a constitution as monarchical and aristocratical as their situation would permit: they formed one upon the admirable model of the British constitution, reduced to its primary principles. Yet he would not say, 'Give this constitution to the people of Canada;' for if the bare imitation of the British constitution was so good, why not give them the thing itself? Why mock them with the shadow of a shadow, when their situation, in being still under a mild and liberal monarchy, rendered them capable of enjoying the substance? Nothing, therefore, seemed to be apprehended from the discontent of the American inhabitants.

"The ancient Canadians were the next objects of consideration, and, from their numbers, entitled to the greatest attention. He asked, should we give them, as being Frenchmen, the new constitution of France—a constitution founded on principles diametrically opposite to our own, that could not assimilate with it in a single point, as different from it as folly from wisdom, as vice from virtue, as the most opposite extremes in nature—a constitution founded on what was called the rights of man? The authors of it had told us, and their partizans, the societies here, had told us, that it was a great monument erected for the instruction of mankind. This was certainly done not without a view to imitation. But before we proceeded to give it to our colonies, he thought that we should do well to consider what would probably be the practical consequences of such a step; to consider what had already been the effects of a similar experiment on the French West Indian colonies, where the new principles of Parisian politics had been introduced and propagated with ardour; that we might be enabled to form some idea of the blessings which we were about to confer. The mode of reasoning from effects to causes was the old-fashioned way. It had been adopted in experimental philosophy, and might with equal propriety be applied to the philosophy of the human mind. He should therefore use it now.

"The French West Indies, notwithstanding three disastrous wars, were most happy and flourishing, till the fatal moment in which the Rights of Man arrived. Scarcely was this precious doctrine received among them, when Pandora's box, replete with all mortal evils, seemed to fly open, hell itself to yawn, and every demon of mischief to overspread the face of the earth. Blacks rose against whites, whites against blacks, and each against the other in murderous hostility; subordination was destroyed, the bonds of society torn asunder, and every man appeared to thirst for the blood of his neighbour. The mother country, not receiving any great degree of pleasure in contemplating this image of herself reflected in her child, sent out a body of troops, well instructed likewise in the new principles, to restore order and tranquillity. These troops, immediately upon their arrival, felt themselves bound to become parties in the general rebellion, and, like most of their brethren at home, began the assertion of their free-born rights by murdering their general." In proof of these facts, he read the account from St. Domingo given on the 25th of April in the National Assembly itself. "Should such an example, he asked, induce us to ship off for Canada a cargo of the Rights of Man?

"But lest it should be objected that the disorders of the French West Indies originated in local causes, he proceeded to point out the deplorable condition of France itself. The National Assembly had boasted that they would establish a fabric of government, which time could not destroy, and the latest posterity would admire. This boast had been echoed by the clubs of this country, the Unitarians, the Revolution Society, the Constitutional Society, and the Club of the 14th of July. The Assembly had now continued nearly two years in possession of the absolute authority which they usurped, yet they did not appear to have advanced a single step in settling anything like a government, but to have contented themselves with enjoying the democratic satisfaction of heaping every disgrace on fallen royalty. The constitution must be expected now, if ever, to be nearly complete; to try whether it was good in its effects, he should have recourse to the last accounts of the Assembly itself. They had a king such as they wished; a king who was no king; over whom the Marquis de la Fayette, chief gaoler of Paris, mounted guard. The royal prisoner having wished to taste the freshness of the country air, had obtained a day-rule to take a journey of about five miles from Paris. But scarcely had he left the city before his suspicious governors, recollecting that a temporary release from confinement might afford him the means of escape, sent a tumultuous rabble after him, who, surrounding his carriage, commanded him to stop, while one of the grenadiers belonging to his faithful and loyal body-guard presented a bayonet to the breast of the fore-horse ——"

Mr. Burke was here called to order by Mr. Baker. A long and extraordinary altercation ensued, in the course of which,

Mr. Fox rose and said, that "he conceived his right honourable friend could hardly be said to be out of order. It seemed that this was a day of privilege, when any gentleman might stand up, select his mark, and abuse any government he pleased, whether it had any reference or not to the point in question. Although nobody had said a word on the subject of the French Revolution, his right honourable friend had risen up and abused that event. He might have treated the Gentoo government, or that of China, or the government of Turkey, or the laws of Confucius, precisely in the same manner, and with equal appositeness to the question before the House. Every gentleman had a right that day to abuse the government of every country as much as he pleased, and in as gross terms as he thought proper, or any government either ancient or modern, with his right honourable friend."

Mr. Burke endeavoured several times to explain why he thought himself in order. At length Lord Sheffield moved, "That dissertations on the French constitution, and to read a narrative of the transactions in France, are not regular nor orderly on the question, that the clauses of the Quebec Bill be read a second time, paragraph by paragraph." Mr. Fox seconded the motion. Mr. Pitt said he was glad of the motion, as it reduced the debate to something like order. He said, he considered the introduction of a discussion on the French constitution to rest on discretion and order, which were two distinct things; he explained their difference, and said, for his own part he would use no vehement language, nor any words that might give umbrage; not conceiving, however, that the right honourable gentleman was disorderly, he should certainly give his negative to the motion.

Mr. Fox said, "he was sincerely sorry to feel that he must support the motion, and the more so, as his right honourable friend had made it necessary by bringing on, in so irregular a manner, a discussion of a matter by no means connected with the Quebec Bill; in a manner which he could not help thinking extremely unfair, but which he must consider as a direct injustice to him. If the right honourable gentleman's argument over the way, with regard to order, was to obtain order, it was a mode of order that would go to stop every proceeding of that House, especially in committees. It was proper to debate the principle of a bill on the second reading of it; and referring to matter that might be analogous, much latitude would be required; the Quebec Bill had been read a second time, and was decided. If gentlemen, therefore, when a bill was in a committee, would come down and state in long speeches general answers to all possible objections to clauses that might be proposed, but were never meant to be proposed, debates might be drawn to any imaginable length, and the business of the House suspended at the pleasure of any one of its members. The argument which some gentleman might possibly move, that the chairman leave the chair, was applicable to every clause, and to every stage of the bill in the committee; and if on that account every species of volunteer argument was to be held in order, it would be impossible for business to proceed.

"His right honourable friend, instead of debating the principle of the bill in any stage which was usual, had come down, not to debate the clauses, but to fortify misrepresentations of what he had said in a former debate, which his right honourable friend did not even hear. Order and discretion in debate had been said to be distinct; with him," Mr. Fox declared, "they never should be separate. Where the distinction lay he could not see, for he always conceived that order was founded on discretion. He was not in the habit of interrupting any gentleman on the point of order; because, unless the deviation from it was strong indeed, more time was often lost by calling to order, than by suffering gentlemen to proceed. But if he saw any discussion attempted to be introduced in a way not merely irregular, but unfair, he felt himself obliged to endeavour to stop it.

"Much had been said on the present occasion of the danger of theory and the safety of practice. Now, what had been the conduct of the gentleman who looked on theory with such abhorrence? Not to enter into a practical discussion of the bill clause by clause, and to examine whether it gave, what it professed to give, the British constitution to Canada, but having neglected to do his duty, and attend the proper stage of debating the principle, to enter into a theoretical inquiry of what the principle ought to be, and a discussion of the constitution of another country, respecting which it was possible that he might differ from him. If this was not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was; since if they came to the clauses of the bill, he did not think there would be any difference of opinion, or, at most, but a very trifling one. If his right honourable friend's object had been to debate the Quebec Bill he would have debated it clause by clause, according to the established practice of the House. If his object had been to prevent danger apprehended to the British constitution, from the opinions of any man, or any set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it, rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. That at least was the course which he should himself have taken, and was therefore what he naturally expected from another.

"The course which his right honourable friend had chosen to take was that which seemed to confirm the insinuation urged against him—that of having maintained republican principles as applicable to the British constitution in a former debate on the bill. No such argument had ever been urged by him, nor any from which such an inference was fairly deducible. On the French Revolution he did, indeed, differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder. But what had a difference of opinion on that, which to the House was only matter of theoretical contemplation, to do with the discussion of a practical point on which no such difference existed? On that Revolution he adhered to his opinion, and never would retract one syllable of what he had said. He repeated that he thought it, on the whole, one of the most glorious events in the history of mankind. But when he had, on a former occasion, mentioned France, he had mentioned the Revolution only, and not the constitution; the latter remained to be improved by experience and accommodated to circumstances. The arbitrary system of government was done away: the new one had the good of the people for its object, and this was the point on which he rested. This opinion," Mr. Fox said, "he wished the time might come to debate, if opinions of his were again to be made the subject of Parliamentary discussion. He had no concealment of his opinions; but if anything could make him shy of such a discussion it would be the fixing a day to catechize him respecting his political creed, and respecting opinions on which the House was neither going to act, nor called upon to act at all. He had been thus catechized in 1782, when a right honourable gentleman (Mr. Dundas) in the last stage of the then administration, had said, 'Admitting this administration to be bad, where are you to find a better? Will you admit men into power who say that the representation of the people is inadequate, and whose principles would overturn the constitution?' On that occasion he had found an able defender in a right honourable gentleman (Mr. Pitt), whom he could not expect to be his defender that day; but who had, in 1782, demanded in manly and energetic tones, 'if the House would bear to be told that the country was incapable of furnishing an administration more worthy of trust than that whose misconduct was admitted even by its advocates?' He might now have looked for a defender to another quarter, to the bench on which he sat, and been as much disappointed. Yet the catechizer on that occasion had soon after joined another ministry, and supported that very reform of the representation which he then deprecated as more dangerous to the constitution and the country than all the misfortunes of that administration! Were he to differ from his right honourable friend on points of history, on the constitution of Athens or of Rome, was it necessary that the difference should be discussed in that House? Were he to praise the conduct of the elder Brutus, and to say that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent eulogium of Cicero on the taking off of Cæsar, would it thence be deducible that he went with a knife about him for the purpose of killing some great man or orator? Let those who said that to admire was to wish to imitate, show that there was some similarity of circumstances. It lay on his right honourable friend to show that this country was in the precise situation of France at the time of the French Revolution before he had a right to meet his argument; and then, with all the obloquy that might be heaped on the declaration, he should be ready to say that the French Revolution was an object of imitation for this country.

"Instead of seeking for differences of opinion on topics—happily for the country, entirely topics of speculation, let them come to matter of fact, and of practical application; let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ from his right honourable friend. He had been warned by high and most respectable authorities that minute discussion of great events, without information, did no honour to the pen that wrote, or the tongue that spoke the words. If the committee should decide that his right honourable friend should pursue his argument on the French constitution, he would leave the House: and if some friend would send him word when the clauses of the Quebec Bill were to be discussed, he would return and debate them. And when he said this, he said it from no unwillingness to listen to his right honourable friend: he always had heard him with pleasure, but not where no practical use could result from his argument. When the proper period for discussion came, feeble as his powers were compared with those of his right honourable friend, whom he must call his master, for he had taught him everything he knew in politics, (as he had declared on a former occasion,* and he meant no compliment when he said so), yet, feeble as his powers comparatively were, he should be ready to maintain the principles he had asserted, even against his right honourable friend's superior eloquence—to maintain that the Rights of Man, which his right honourable friend had ridiculed as chimerical and visionary, were, in fact, the basis and foundation of every rational constitution, and even of the British constitution itself, as our statute-book proved: since, if he knew anything of the original compact between the people of England and its government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate.

"If such were principles dangerous to the constitution they were the principles of his right honourable friend, from whom he had learned them. During the American war they had together rejoiced at the success of a Washington, and sympathized almost in tears for the fall of a Montgomery.† From his right honourable friend he had learned that the revolt of a whole people could never be countenanced and encouraged, but must have been provoked. Such had at that time been the doctrine of his right honourable friend, who had said, with equal energy and emphasis, that he could not draw a bill of indictment against a whole people."

Mr. Fox declared, "he was sorry to find that his right honourable friend had since learnt to draw such a bill of indictment, and to crowd it with all the technical epithets which disgraced our statute-book, such as false, malicious, wicked, by the instigation of the devil, not having the fear of God before your eyes, and so forth. Having been taught by his right honourable friend that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the constitution of France became founded on the Rights of Man, on which the British constitution itself was founded. To deny it, was neither more nor less than to libel the British constitution; and no book his right honourable friend could cite, no words he might deliver in debate, however ingenious, eloquent, and able, (as all his writings and all his speeches undoubtedly were) could induce him to change or abandon that opinion; he differed upon that subject with his right honourable friend *toto cœlo*."

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* In the debate on the army estimates on the 9th of February, 1790, which is the occasion alluded to by Mr. Fox, he said, "He must declare, that such was his sense of the judgment of his right honourable friend, such his knowledge of his principles, such the value which he set upon them, and such the estimation in which he held his friendship, that if he were to put all the political information which he had learnt from books, all which he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one scale, and the improvement which he had derived from his right honourable friend's instruction and conversation were placed in the other, he should be at a loss to decide to which to give the preference. He had learnt more from his right honourable friend than from all the men with whom he had ever conversed."

† Montgomery fell in the attempt to carry Quebec by assault, on the 31st of December, 1775.

Having proceeded thus far, Mr. Fox declared, "he had said more than he had intended, possibly much more than was either wise or proper; but it was a common error, arising from his earnestness to be clearly understood; but if his sentiments could serve the other side of the House, which had countenanced the discussion of that day apparently in order to get at them, they had acted unnecessarily. They might be sure of him and his sentiments on every subject, without forcing on anything like a difference between him and his right honourable friend; and having once heard them they might act upon them as they thought proper."

Mr. Burke commenced his reply in a grave and governed tone of voice, observing that, although he had himself been repeatedly called to order, he had nevertheless heard Mr. Fox with perfect composure, and without the least interruption. He hoped that the temper which was essentially requisite on an emergency of this important kind, would attend him through this painful contention; yet he trusted that if, in the warmth of his observations, an expression should drop which might imply severity, it would be imputed to his zeal, and to the anxiety of his mind, agitated as it was, and not to any intention of personal reproach to any individual whatsoever. The speech, he remarked, to which he was to reply, was perhaps one of the most disorderly ever delivered in that House. His public conduct, words, and writings, had not only been misrepresented and arraigned in the severest terms, but confidential conversations had been unfairly brought forward for the purpose of attempting to prove his political inconsistency. Such were the instances of kindness which he had received from one whom he always considered as his warmest friend; but who, after an intimacy of more than two-and-twenty years, had at last thought proper, without the least provocation, to commence a personal attack upon him. He could not conceive that the manner in which Mr. Fox had accused him of having spoken without information, and unsupported by facts, appeared to manifest any great degree of tenderness towards him. On the subject, however, of the French Revolution, uninformed as he might be supposed to be, he had not the least objection to meet that right honourable gentleman hand to hand, and foot to foot, in a fair and temperate discussion. But this it seemed was not the principal ground of quarrel; he was accused of having attempted to bring forward a discussion of French principles, in order to fix a stigma upon certain republican opinions which Mr. Fox was said to have advanced in a former debate. This charge he denied in the most positive terms; and solemnly declared that he had made no reference whatever to any of Mr. Fox's speeches; but that he had argued, as on every other occasion, in a plain and simple manner. Mr. Fox himself was no stranger to the subject which he had proposed to introduce in that night's debate. He had previously to the last conversation on the Canada Bill opened to Mr. Fox very fully and particularly the plan of the speech in which he had now been interrupted; he had explained how far he intended to go, and what limits he meant to impose upon himself, and had shown him all the books, pamphlets, and reports, which his friend had now supposed him not to have read. This he had done at his own house, from whence they had walked down together to that House, conversing upon the subject the whole way. Mr. Fox had then, indeed, disagreed with him in opinion, but entered into no quarrel with him. He had rather been treated with confidence, and some private circumstances of a political complexion had been mentioned to him, to which, notwithstanding what had since happened, he felt no inclination to allude.

"For a variety of reasons he confessed that he wished to introduce the subject of the French constitution, which he thought that he might have done perfectly in order. In the first place he felt desirous of pointing out the danger of perpetually extolling that preposterous edifice upon all occasions and in the highest strain. Mr. Fox had himself termed it 'the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any age or country.' A second motive, which had, indeed, some little influence over him, was of a more personal nature. He had been accused both of writing and speaking of the late proceedings in France rashly, unadvisedly, and wantonly. This charge he was certainly anxious to refute; but at the very time when he was about to produce facts in corroboration of his assertions, blended with private information and respectable authorities, he was stopped in the most unfair and disorderly manner. Had he been permitted to continue his speech he would have shown that the issue of all that had been done, and of all that was then doing, in France, could never serve the cause of liberty, but would inevitably tend to promote that of tyranny, oppression, injustice, and anarchy.

"But what principally weighed with him and determined him in his conduct, was the danger that threatened our own Government from practices which were notorious to all the world. Were there not clubs in every quarter, which met and voted resolutions of an alarming tendency? Did they not correspond, not only with each other in every part of the kingdom, but with foreign countries? Did they not preach in their pulpits doctrines which were dangerous, and celebrate at their anniversary meetings proceedings incompatible with the spirit of the British constitution? Did they not everywhere circulate, at a great expense, the most infamous libels on that constitution ? At present he said that he apprehended no immediate danger. The King was in full power, possessed of all his functions ; his ministers were responsible for their conduct; the country was blest with an opposition of strong force ; and the common people themselves seemed to be united with the gentlemen in a column of prudence. Nevertheless, he maintained there was still sufficient cause for jealousy and circumspection. In France there were 300,000 in arms, who, at a favourable moment, might be happy to yield assistance ; besides, a time of scarcity and tumult might come, when the greatest danger was to be dreaded from a class of people whom we might now term low intriguers and contemptible clubbists."

He again adverted to the unkindness with which Mr. Fox had treated him, "who had ripped up the whole course and tenour of his public and private life with a considerable degree of asperity. The right honourable gentleman, after having fatigued him with skirmishes of order, which were wonderfully managed by the light infantry of opposition, then brought down upon him the whole strength and heavy artillery of his own judgment, eloquence, and abilities, to overwhelm him at once. In carrying on the attack against him the right honourable gentleman had been supported by a corps of well-disciplined troops, expert in their manœuvres, and obedient to the word of their commander."* [Mr. Grey here called Mr. Burke to order, conceiving that it was disorderly to mention gentlemen in that way, and to ascribe improper motives to them.] Mr. Burke proceeded to remark, "that he had frequently differed from Mr. Fox in former instances, particularly on the subject of a Parliamentary reform, of the Dissenters' Bill, and of the Royal Marriage Act ; but that no one difference of opinion had ever before, for a single moment, interrupted their friendship. It certainly was indiscreet at his time of life to provoke enemies, or give his friends occasion to desert him ; yet if his firm and steady adherence to the British constitution placed him in such a dilemma he would risk all ; and as public duty and public prudence taught him, with his last breath, exclaim, 'Fly from the French constitution !'" [Mr. Fox whispered, that "there was no loss of friendship."] Mr. Burke replied, "Yes, there was ; he knew the price of his conduct ; he had done his duty at the price of his friend ; their friendship was at an end." Afterwards addressing himself to the two right honourable gentlemen who were the great rivals in that House, he expressed a hope that whether they hereafter moved in the political hemisphere as two flaming meteors, or walked together like brethren hand in hand, they would preserve and cherish the British constitution; that they would guard against innovation, and save it from the danger of those new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course; who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience. He concluded with moving an amendment, that all the words of the motion, after "dissertations on the French constitution," should be omitted, and the following inserted in their room:—"tending to show that examples may be drawn therefrom; and to prove that they are insufficient for any good purposes, and that they lead to anarchy and confusion, and are consequently unfit to be introduced into schemes of government, are improper to be referred to on a motion for reading the Quebec Bill paragraph by paragraph."

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* "It is probable that a little incident which happened in the course of Mr. Burke's reply contributed to draw from him the expressions considered as disorderly by Mr. Grey. In his speech Mr. Fox had intimated an intention of leaving the House, if the committee should suffer Mr. Burke to proceed. While the latter gentleman was speaking, the former, being perhaps now resolved on a rejoinder, accidentally went towards the lobby for some trifling refreshment, with which he soon after returned to his place. But, in the mean time, about twenty or thirty gentlemen, of those most personally attached to him, mistaking his departure for the execution of his declared intention, rose from their seats, and followed him out of the House."—Annual Register for 1791, p. 127.

Mr. Fox rose to reply; but his mind was so much agitated and his heart so much affected by what had fallen from Mr. Burke, that it was some minutes before he could proceed. Tears trickled down his cheeks, and he strove in vain to give utterance to feelings that dignified and exalted his nature. The sensibility of every member in the House appeared to be greatly excited upon the occasion. Recovered at length from the depression under which he had risen, Mr. Fox proceeded to answer the assertions which had caused it.

He said, "However events might have altered the mind of his right honourable friend, for so he must call him notwithstanding what had passed, —because, grating as it was to any man to be unkindly treated by those who were under obligations to him, it was still more grating and painful to be unkindly treated by those to whom they felt the greatest obligations, and whom, notwithstanding their harshness and severity, they found they must still love and esteem. He could not forget, that when a boy almost, he had been in the habit of receiving favours from his right honourable friend, that their friendship had grown with their years, and that it had continued for upwards of five-and-twenty years, for the last twenty of which they had acted together, and lived on terms of the most familiar intimacy. He hoped, therefore, that notwithstanding what had happened that day, his right honourable friend would think on past times, and, however any imprudent words or intemperance of his might have offended him, it would show that it had not been at least intentionally his fault. His right honourable friend had said, and said truly, that they had differed formerly on many subjects, and yet it did not interrupt their friendship. Let his right honourable friend speak fairly, and say whether they could not differ without any interruption of their friendship on the subject of the French Revolution, as well as on any of their former subjects of difference. He enumerated severally what those differences of opinion had been, and appealed to his right honourable friend whether their friendship had been interrupted on any one of those occasions. In particular, he said, on the subject of the French Revolution, the right honourable gentleman well knew that his sentiments differed widely from his own; he knew also that as soon as his book on the subject was published, he condemned that book both in public and private, and every one of the doctrines it contained."

Mr. Fox again said, "that he could not help feeling that his right honourable friend's conduct appeared as if it sprung from an intention to injure him; at least it produced the same effect, because the right honourable gentleman opposite to him had chosen to talk of republican principles as principles which he wished to be introduced into the new constitution of Canada, whereas his principles were very far from republican in any degree. If, therefore, his right honourable friend had thought it necessary to state to the House his sentiments on the French Revolution, he might have done it on any other occasion with less injury to him than on the Quebec Bill, because his doing it then, confirmed and gave weight to the misrepresentation of the right honourable gentleman opposite to him, and not only that, it put it out of his power to answer him properly. Besides he had, as every other man must have, a natural antipathy and dislike to being catechized as to his political principles. It was, he said, the first time that ever he had heard a philosopher state that the way to do justice to the excellence of the British constitution was never to mention it, without at the same time abusing every other constitution in the world. For his part he had ever thought that the British constitution in theory was imperfect and defective, but in practice it was excellently adapted to this country. He had often publicly said this. But because he admired the British constitution, was it to be concluded that there was no part of the constitution of other countries worth praising, or that the British constitution was not still capable of improvement? He, therefore, could neither consent to abuse every other constitution nor to extol our own so extravagantly as the right honourable gentleman seemed to think it merited. As a proof that it had not been thought quite perfect, let the two only reforms of it be recollected that had been attempted of late years; the reform relative to the representation in Parliament of the right honourable the Chancellor of the Exchequer, in 1783, and the reform in the civil list by his right honourable friend. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms? To both had he given his support, because he approved both; and yet they were both tests, one to retrench the influence of the Crown, the other to enlarge the representation in that House; and would his right honourable friend say that he was a bad man for having voted for both? He was," Mr. Fox said, "an enemy to all tests whatever, as he had hitherto thought the right honourable gentleman was, and therefore he objected to any man's being expected to have his political principles put to the test by his being obliged to abjure every other constitution but our own. Such a mode of approving one's zeal for the latter reminded him of the man who signed the Thirty-nine Articles, and said he wished there were a hundred and thirty-nine more, that he might have signed them too, to prove his orthodoxy.

" Nothing but the ignominious terms which his right honourable friend had that day heaped on him—[Mr. Burke said, loud enough to be heard, that he did not recollect he had used any.] My right honourable friend," said Mr. Fox, " does not recollect the epithets : they are out of his mind : then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and from this moment they are obliterated and forgotten." Mr. Fox then pursued his argument, and " expressed his surprise that his right honourable friend had talked of the friends who sat near him as a phalanx and as disciplined troops : if by that he meant that any improper influence had been exercised, or attempted to be exercised on their minds, he disclaimed the idea ; and, indeed, his right honourable friend best knew, so long as he had acted with them, when any such influence had been exercised over his own mind. He declared he could not but be sorry that such a character of a party, linked together on the most honourable principles, should come from one of their own corps. He had imagined that his right honourable friend knew more of them than to impute such conduct to men of their description. The fact was," Mr. Fox said, " that, upon his honour, no one of the honourable gentlemen near him who had risen that day to call his right honourable friend to order, had been desired by him to do so ; on the contrary, wherever he thought he was likely to have his application complied with, he had earnestly entreated his friends not to interrupt the right honourable gentleman.

" He admitted that no friendship should exist in the way of public duty ; and if his right honourable friend thought he did service to the country by blasting the French Revolution, he must do so, but at the same time he must allow others who thought differently to act in a different manner." Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and " declared he agreed with Montesquieu in his observation on the British constitution, but could not admit that Montesquieu meant to say that it was a model for all other countries. If he referred to what had passed in 1780, the right honourable gentleman would say that he raked up all the transactions of his life." Mr. Fox " declared he would not, unless it redounded to his right honourable friend's honour, and to the glory of his character. And where could he find the incident that did not ? In the year 1780 it had been the opinion of that House, ' that the influence of the Crown had increased, was increasing, and ought to be diminished.' His right honourable friend had subscribed to that resolution, and thereby declared that the constitution was not perfect without such reduction. And would his right honourable friend not grant to the French the same right that he had himself exercised ? If the influence of the British Crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the extravagant influence of the Crown of France ? With a civil list ten times as large as ours; with a navy almost as large; an army tenfold; a church more than tenfold; must they not, as we had done, pursue the course of diminishing its power? When, in addition to this, they had to deplore the degree of corruption and despotism into which the whole of their government had fallen, was it not right that they should endeavour to better their condition, and to extricate themselves from their misery and slavery?

"His right honourable friend had said that they must not hear of the French constitution because it was diametrically opposite to ours. How that could be he could not easily comprehend. His right honourable friend had also asserted that evil must not be done that good might come out of it; that must be left to God alone. What," Mr. Fox asked, "did his right honourable friend think of the occasion of war? War in itself was certainly an evil, civil war a moral evil, and yet war was often commenced that good might come out of it. If original rights were totally to be disregarded," Mr. Fox said, "he should contend that the resistance of the Parliament to Charles the First, and the resistance of 1688, had been very unjustifiable. But the original rights of men were, in his opinion, the foundation of all governments and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the government of France was good. It was undoubtedly capable of improvement, and would be amended by degrees. How, he asked, did we make our own government? By sending to Greece or Rome for a pattern for our constitution? No! but by gradually improving our government, which was bad at first, and which grew better in proportion as experience suggested alteration. The French would in time experience the defects of their government, and would have the same opportunities of correcting it.

"With regard to his right honourable friend's enthusiastic attachment to our constitution in preference to all others, did he remember when his Majesty's speech was made in 1783, on the loss of America, in which his Majesty lamented the loss the provinces had sustained in being deprived of the advantages resulting from a monarchy, how he had ridiculed that speech, and compared it to a man's opening the door after he had left a room, and saying, 'At our parting, pray let me recommend a monarchy to you.' In that ridicule," Mr. Fox said, "he had joined heartily at the time. The French," he observed, "had made their new government on the best of all principles of a government, namely, the happiness of the people who were to live under it. The French, it should be considered, were a great nation; they were inferior to England only in arts, arms, the powers of reasoning, &c. Was it not joyful, then, that she should have cast off the tyranny of the most horrid despotism and become free? Surely we did not wish that liberty should be engrossed by ourselves! If his right honourable friend talked of light and shade," Mr. Fox said, "there was no shade so proper for the people of this country as the departed despotism of France; of which, though no longer in existence, we seemed still to be afraid; and the French themselves, from a dread of the return of the spectre, did many things which appeared extravagant and absurd to us, who were cool observers of the scene passing in France. A ludicrous image of this was given by our great dramatic poet, when he made Falstaff say, 'I fear this gunpowder Percy, although he be dead.' The right honourable gentleman has said that he shall lose my friendship," continued Mr. Fox, "but that I assure him he shall not lose. He has also said he shall lose the friendship of the friends around him, because he stands up for the constitution of this country. I, however, hope that my friends are as fond of that constitution as the right honourable gentleman is, and that the example of France will make them cautious not to run into the same errors, and give the same provocation to the people.

"With regard to tests," Mr. Fox said, "he would not believe his right honourable friend had altered his sentiments on that head till he saw him voting for one. France had established a complete unequivocal toleration; and he heartily wished that a complete toleration was also established in England. Because troubles had happened at the time the French were changing their constitution, should we say that they would also happen in England, were any alteration made in our constitution? He must contend for the contrary; and as he thought that the British constitution was capable of improvements, so did he think the greatest improvements might be engrafted on it by degrees with success and without any violation of the public tranquillity."

Mr. Fox said, "he lamented the difference that had happened, but he hoped that when his right honourable friend came to turn in his mind all the circumstances that had occasioned it, he would forget what was passed. His right honourable friend had said, that if he were to quote some of his expressions on particular occasions he could prove his inconsistency." Mr. Fox acknowledged that "no member of that House was more apt to let expressions fall which, perhaps, were rash and imprudent than he was. He knew he had done so; but his right honourable friend never let anything fall but what did him honour and might be remembered to his credit." Mr. Fox now proceeded to speak of the reasons which had induced his right honourable friend and himself to enter into a systematic opposition to the present Administration. "This was not," he said, "for the purpose of obtaining power and emolument by the means of a faction, but he had ever understood that they and their friends had formed a party for supporting the true principles of the British constitution and watching the prerogative." After expatiating on this, Mr. Fox said, "Let the right honourable gentleman maintain his opinions, but let him not blame me for having mine." He then noticed the cruel and hard manner in which his right honourable friend had used him, and spoke feelingly of the pain it had given him. "The course he should pursue," he said, "would be to keep out of his honourable friend's way, till time and reflection had fitted his right honourable friend to think differently upon the subject; and then, if their friends did not contrive to unite them, he should think their friends did not act as they had a right to expect at their hands. If his right honourable friend wished to bring forward the question of the French Revolution on a future day, in that case he would discuss it with him as temperately as he could; at present he had said all that he thought necessary; and let his right honourable friend say what he would more upon the subject, he would make him no further reply."

Mr. Burke expressed his sorrow for the occurrences of that day, and said, that "if the good were to many, he would willingly take the evil to himself. He sincerely hoped that no member of the House would ever barter the constitution of his country, that eternal jewel of his soul, for a wild and visionary system, which could only lead to confusion and disorder." Mr. Pitt, after having made some remarks upon the singular situation in which the House then stood with respect to the question before it; and having declared his own opinion to be that Mr. Burke had not been, even in the first instance, at all out of order; suggested the propriety of withdrawing the motion which had been made by Lord Sheffield. This being agreed to, the chairman reported progress, and asked leave to sit again. Thus ended a friendship which had lasted for upwards of a quarter of a century.

A meeting of the Whigs was held to consider this great schism which had broken out in their party, and on the 12th of May, 1791, the following resolution appeared in their official organ, the *Morning Chronicle*, on the subject:—"The great and firm body of the Whigs of England, true to their principles, have decided on the dispute between Mr. Fox and Mr. Burke; and the former is declared to have maintained the pure doctrines by which they are bound together, and upon which they have invariably acted. The consequence is, that Mr. Burke retires from Parliament." Mr. Burke, in alluding to this resolution, said, that "he knew he was excommunicated by one party, and that he was too old to seek another; and though in his age he had been so unfortunate as to meet this disgrace, yet he disdained to make any recantation, and did not care to solicit the friendship of any man in the House, either on one side or the other."*

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* The following observations in reference to the rupture between Fox and Burke are from the eloquent pages of the Professor of Modern History in the University of Cambridge:—

"They had fought together in many a long debate in the cause of freedom, and the mild government of mankind, during the American war. They had struggled together in what they conceived a generous cause—resistance to the oppressions of the East; they had united against what they considered to be the excessive and undue influence of the Crown in the constitution of their own country; they had been bound together by the most ennobling of all ties—the mutual admiration of the great talents and elevated qualities of each other; even a sort of tender sympathy existed between them. Fox declared that Burke had been his master, and that he had learned everything from him that he could suppose he knew. And at a subsequent period, Mr. Burke, when his end was now fast approaching, declared, in like manner, that Mr. Fox 'was born to be loved.' He had, indeed, shown himself born to be loved in this very altercation with Mr. Burke in the House of Commons. But all those mutual

MOTION FOR A REPEAL OF THE TEST ACT AS FAR AS IT EXTENDS TO SCOTLAND.

May 10*th*. The Kirk of Scotland transmitted, on the 18th of April, from the General Assembly, a petition, praying for the repeal of the Test Act as far as it applied to Scotland; and, on the 10th of May, Sir Gilbert Elliot moved, "That this House will immediately resolve itself into a committee of the whole House to consider how far the provisions of the act of the 25th of Charles the Second, intituled, 'An Act for preventing Dangers which may happen from Popish Recusants, (which require persons who are admitted into any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord's Supper according to the rites of the Church of England), extend, or ought to extend, to persons born in that part of Great Britain called Scotland." The motion was supported by Mr. Pulteney, Mr. Anstruther, Sir Adam Ferguson, and Mr. Fox; and opposed by Mr. Dundas, the Master of the Rolls, and Mr. Pitt.

Mr. Fox said, that "although he had introduced a motion for the general repeal of the Test Act, and had declared himself ready to move or to support such a motion, as often as those who felt themselves aggrieved by that act should think proper to bring it forward, he could have wished rather to have heard the arguments of other gentlemen on the present occasion than to repeat those which he himself had perhaps already used. There were," he said, "in this country various descriptions of men; with respect to the opinions they entertained on religion, some professed themselves the friends of toleration in the utmost extent of the word, some of toleration in a limited sense, some of establishments, and some of public worship independent of establishments. He professed himself the friend of toleration without any restriction, and at the same time of an established church; and every argument that could be advanced in support of either was applicable to the support of the present motion.

"Notwithstanding all that had been said of the history of the Union, the discussions, and the Acts of Parliament, that preceded it, there appeared to him a considerable degree of doubt whether the Test Act did or did not apply to members of the Church of Scotland, and therefore he thought the motion for going into a committee to inquire how the law stood, extremely proper. Those who contended, that by the Act of Union the Test Act was

merits, those ties of generous sympathy and kindred genius, all at this unhappy moment were overpowered and found to be vain; and this memorable conflict in the history of mankind, between the new and the old opinions, which had already produced such extraordinary events in France, and was to be followed by such convulsions in that country and in Europe, was first to be marked by a conflict and a convulsion of two of the greatest minds that had yet been given to our Parliaments by the free constitution of England."—Smyth's Lectures on the French Revolution, vol. ii. pp. 85, 86.

meant to apply to members of the Church of Scotland, viewed the question only on one side. They called in the evidence of history to prove, that if it had been understood that the Test Act was not to be thus applied, the people of England would not have consented to the Union. It was just as fair for him to take the other side, and contend that, if it had been understood that the Test Act was so to apply, the people of Scotland would not have consented. That Scotland had derived great advantages from the Union would not now, he apprehended, be called in question. That England had also derived great advantages, was no less certain. The advantages, perhaps, were equal; but it was no panegyric on the Act of Union, that the prejudices of both countries were so strong at the time of concluding it, as to prevent the fair and open discussion of all the considerations that ought to have entered into it. The violent friends to the Test Act—and the violent friends to that act (without having taken much pains to inquire who they were) he sincerely believed to have been generally the enemies to everything that was great and good—had always insisted upon it, as so intimately connected with the civil and religious constitution of the country, that it could in no case be given up; and therefore that it must necessarily have been included with respect to Scotland in the Act of Union." Mr. Fox then went over the material circumstances of the Union, from which he inferred that the point was at least doubtful. "There was no mention of the test in the Act of Union; and supposing there had been a test in Scotland previous to the Union, of which also no mention was made, would it have followed that such a test must apply to both countries? This, he thought, would hardly be maintained—it would not have been as strong in the one case as it was in the other.

"People in this country were," he said, "too apt to consider the people of Scotland as having come to them—as having been annexed to the crown of England in the nature of a province; whereas, in fact, the two countries treated and contracted as two independent kingdoms, which they really were; and whatever right or privilege was secured to the one, was equally secured to the other. The establishment and description of the Church of Scotland was as much secured in law as the establishment and description of the Church of England. They were very properly put upon equal terms. Was it consistent, then, with this equality, that a member of the Church of Scotland, as a qualification for a post as an English officer, not for an officer in the English Church, or an English corporation, but a British officer, an officer in the British army or navy, should make a solemn profession of attachment, not to the establishment of the Church of Scotland, but to that of the Church of England? It never could be the intention, as a right honourable gentleman (Mr. Dundas) had explained it, that members of the two establishments should communicate with either. It was never understood that a member of the Church of Scotland, in order to enjoy the advantages of the Union, should communicate with the Church of England. He was told, that the members of the Church of Scotland had no objection to communicate with the Church of England. This he could neither admit nor deny on any knowledge of his own; but he well knew that the other part of the position, were this motion ever to come before the House of Lords, where the heads of the Church of England were, would be formally denied them. Now how was the line of distinction to be drawn? By a natural or geographical limit? If a man to the north of the Tweed accepted of an imperial office, he was not to communicate with the church by law established there; but if he accepted of the office on the other side of the Tweed, he was required to do so under heavy pains and penalties. There was no law to prevent the King from residing in Scotland. Suppose he were to do so, he might appoint all his officers of state, without any one of them being obliged to qualify according to the Test Act, and let in all the imaginary dangers to Church and State, against which it was held up as the impregnable barrier. A person receiving his Majesty's orders to raise a regiment in Scotland, might there appoint all his officers without any test; but the moment they came into England they must take the test within a time limited, or incur the penalty of outlawry.

"But it had been said, as the law was never enforced, these inconveniences were mere theories. If it was not enforced, why suffer it to remain? for a law not executed was, if possible, more theoretic than theory itself. The penalties, however, were not theoretic, because not enforced. Their execution depended neither on the Church nor on the Government, but on the will of any malicious person who might choose to turn informer; if, indeed, it was fair to call any man malicious for doing what the law directed him to do, and held out a reward for doing. Of all the penal statutes, the constant defence was, that they were not executed. A very irrational defence to be sure! And this was strengthened by a demand of 'Show me the practice!' Thank God," Mr. Fox said, "he could not show the practice! The wisdom of the Legislature had taken care, from time to time, that the practice should not appear; but there could not be a stronger argument that they were not fit to remain as laws than the general concurrence of mankind that they were not fit to be acted upon. But they were retained for the safety of the Church! It was an ill compliment to the Church of England to say, that she could not support herself by the purity of her doctrines and the good example of her members, without a provision by law; that not only all those educated in her bosom, but those educated in the bosom of another church, should make a profession of attachment to her, as a qualification for civil offices: while the Church of Scotland, her neighbour, not only required no such protection, but apprehended no danger from her sons being obliged to profess attachment to another in order to enjoy the common rights of subjects. A right honourable gentleman had said, that the Church of Scotland was secure in her poverty, which dreaded no attack. Had he any reason to believe, from the history of his country, that poverty was an adequate protection? Was no attack made upon her by the episcopal bigotry of Charles the First? Was none to be apprehended from the Roman Catholic bigotry of James the Second? Was not the fear of some such future danger as rational a fear as that kept up by the clamour of faction for the safety of the Church of England at the time of the Union—a clamour to which, fortunately, Parliament did not listen? Both were now equally imaginary. What reasonable objection, then, could remain to discuss how the law stood in consequence of the Union?

"As a friend to an established church, he was an enemy to the distinction which the test set up between the two established religions of the country. For what was the consequence? And if a man born in one part of the kingdom, conforming to the law and religion of the country, accepted a public office, he was called on not to profess his attachment to that religion, but to examine the doctrine and discipline of another, and to make a solemn profession of attachment to it, which, in the opinion of many, amounted to a disapprobation of that in which he had been educated. Was not his a mockery of establishments? It was, indeed, said, that this was no dereliction: but in discussing the general repeal of the Test Act, was it not generally said to be a profession, that he who took it was of the religion of the State? Was not this the argument at all the public meetings called for the purpose of opposing the repeal? Was it not the answer to the alleged profanation of a Sacrament, that it was not taken on account of an office, but as an act of religion, which he who took it was bound to perform without any regard to public office? What was the religion of the State as thus explained? The religion of the Church of England. Must not, then, the Church of Scotland feel that she was not considered in the same light with the Church of England—that she was not in the situation to which, as part of the established religion of the country, she was entitled? The very name of the test ought alone to supersede all these arguments. If they were to say, with a right honourable gentleman, to whose argument he had before alluded, that the test meant nothing but a profession—that he who took it entertained no hostile ideas against the Establishment—that he was ready to communicate with either church—that he who was of the Church of Scotland when out of office might communicate with the Church of England when in; let that explanation be given, by which neither religion nor politics would be much benefited.

"Notwithstanding what a learned gentleman had said with respect to the origin of the present motion, he was satisfied from what he had heard that it had originated, as stated by the honourable baronet who moved it, in the unanimous opinion of the General Assembly that the Test Act, as appeared to members of the Church of Scotland, was a grievance, and in their unanimous vote to apply for redress. It might, for anything he knew, be considered in Scotland as a solecism to apply to Parliament when they had reason to believe that his Majesty's Ministers were not inclined to favour their application; but it was not. and he trusted never would be, considered as improper or unseasonable in this country, for any subject or class of subjects to apply to Parliament for relief from a grievance, whatever might be the disposition of those in power. It had been further observed, that the application came from the clergy of Scotland only; and it was asked, why the sense of the people had not been taken. After all they had lately heard of alarms in the minds of the people (vain alarms, in his opinion), was it wise, was it politic, was it like statesmen, when a proposition came before them from a respectable body, founded on sense and reason, to set it afloat among the people, and desire them to hold public meetings, and discuss its merits for the instruction of the Legislature? The history of the Union afforded no rule on the subject. Both parties were afraid to come fairly to the question. The great men of that period were obliged to yield to the prejudices of the times. The House would recollect how far short of their own opinions they had been obliged to act in relieving Roman Catholics.* Was it, then, to be wondered at, that eighty years ago Lord Cowper and the statesmen with whom he acted should have yielded to the same sort of necessity?

"With regard to religion, there were few acts on the statute-book which ought not to be completely expunged. Instead of that, they busied themselves in explaining, mitigating, or suspending; and whenever the only proper remedy was mentioned, the answer was, 'They are not executed'—the very worst character that could be given of them! This had been the answer to all the propositions that had been lately made. Ought not the House at last to see that laws unfit to be executed—that were sometimes the instrument of partial oppression, but never of public benefit—were not fit to remain? They were well described by a learned and orthodox prelate as 'dangerous weapons laid in the way, which no good man would use, and which ought not to lie there as a temptation to the bad.'" Mr. Fox said, that "he was a complete friend to religious establishments, on the same ground that he was a friend to toleration. He thought it highly proper that a system of instruction for the improvement of morals should be provided for in every country; but highly proper also that those who dissented from that system should incur no penalties, should suffer no disabilities, on account of their dissent, because to admit of religious instruction, whatever character it assumed, as far as it contributed to inculcate morals, was to enlarge the sphere of religion. Many eminent divines of the Church of England were of this opinion. Among others, Dr. Paley, a most orthodox writer, in his chapter of Religious Establishments and of Toleration, after discussing all the branches of the subject, had concluded with approving of a church establishment, joined to 'a complete toleration of all Dissenters.'*

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* During this session a bill had been introduced, and shortly afterwards received the sanction of the Legislature, for exempting from the penal laws against Papists such persons professing the Roman Catholic religion as should take the oath therein prescribed, and reject the following doctrines:—namely, that it is lawful to murder heretics; that princes excommunicated by the Pope, or by the authority of the see of Rome, may be deposed or murdered by their subjects, or others; and that the Pope, or any other foreign power, has a right to have any power within this realm.

"To get rid of a charge that was frequently put on those who argued as he did, he should wish to know precisely whether the Test was a political or a religious act. When he called it a political act, he was told that it was an act for the security of religion, and, as such, by the Union was made perpetual. When he called it a religious and persecuting act, he was told that it was a mere regulation of civil government, and had nothing to do with religion. It had, indeed, nothing to do with religion in its origin. It was intended merely to keep out Papists—an unwise expedient, in his opinion, to attain an unwise end; and now that the object of it existed no longer, it could be considered only as an instrument of religious persecution. The Church of England could never be in danger but from building her safety on intolerant principles, and making that a pretext for opposing the extension of religious freedom. This, however, was gaining ground in other countries, and would continue to do so. This country, he hoped, would not be the last to adopt it. The question of toleration he should always be ready to meet, whenever it was fairly and properly brought forward, and the oftener, he thought, the better; for there was no question that gained more by discussion—no question, the discussion of which contributed so much to the improvement of religion, of morals, and of happiness. On this general ground he supported the motion, as well as on the particular grounds he had already stated.

"One argument that might be urged against it," Mr. Fox said, "he wished yet to obviate. If it were doubtful whether the Test Act did apply to members of the Church of Scotland, it might be said, why not try the question in the regular course of law? This might indeed be proper in a civil case, but could hardly be done under a penal statute. If it were doubtful whether a particular act was a capital offence, it would be rather hard to say, 'Do you commit the act, and whether you are hanged or acquitted the law will be clear.' If any gentleman were disposed to try this question, and the law should be explained to be against him, he would be condemned to a fine of five hundred pounds, which many gentlemen might readily pay; but the rest of the penalty, to be rendered incapable of holding any public office ever after, of being an administrator or executor, or of receiving a legacy,† was rather too much for any gentleman to be expected to risk. There could be no objection to inquiring how the law stood, and the declaration of the House might be considered as a safe guide." Mr. Fox concluded with declaring that he would give his hearty support to the motion.

On a division, the numbers were 149 to 62. The motion was therefore rejected.

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* See Paley's Moral and Political Philosophy, book vi. chap. x.

† *Vide ante*, pp. 323, 324.

Mr. Fox's Libel Bill.

May 20. On the 21st of February, Mr. Fox gave notice of two questions which it was his intention to bring forward in the course of the present session He said that "he had not quite settled in his own mind in what form he should bring them on, but he had not the smallest objection to state that one of them would be with respect to the conduct of the Court of King's Bench in giving judgment and sentence upon libels, and the other relative to informations in the nature of *quo warranto*. As he was then advised, he believed the proper mode would be in one case to move to refer the question to the consideration of their grand committee for courts of justice, and to move the other in the House." He said, "he had thus plainly stated the nature of his two objects in order that it might not be thought that he had any intention to take the House by surprise." The 20th of May was afterwards fixed upon. On which day,

Mr. Fox rose to make his promised motion for a grand committee on courts of justice, to inquire into some late decisions of the courts in cases of libel. He began a most able and argumentative speech by declaring "that he was perfectly convinced that every gentleman who heard him was so well acquainted with the duties that belonged to the House of Commons, and its peculiar function constantly to watch with care every part of the executive government of the country, that it would be unnecessary for him to use any words in order to show that he was not bringing under the consideration of the House anything that did not fall within the province of its duty." He said, "he was not going to attempt anything like innovation, but was calling the attention of the House to one of its most constitutional and important duties, namely, a strict attention to every branch of the executive government. The most important part of the executive government was the execution of the laws in courts of justice; he hoped, therefore, he should not excite any unjust prejudices against what he was about to state by urging the necessity of their watching over this, as well as every other part of the constitution, as if it implied anything peculiarly faulty or blameable in the execution of justice at that moment. If the doctrine," Mr. Fox said, "were once to prevail that the consideration of matters relative to courts of justice necessarily implied a failure in the execution of justice, that House must either be negligent of its functions on the one hand, and they must sit silent and suffer abuses to grow to a magnitude which it might be difficult to reform; or, on the other, they must do what no good citizen would wish to do, they must create an alarm in the country, and excite a suspicion that justice was not fully executed, and thereby injure the nation by encouraging the subjects of Great Britain to deny that respect which was due to the laws, and to withhold that obedience which ought to be given to the execution of them.

"It was true," Mr. Fox said, "that he meant to bring under the consideration of the House more than one point; he should, however, first state the point which weighed most on his mind, which was that which related to the conduct of the courts of justice with respect to trials on the subject of libel. He would not," he said, "take up the time of the House with any general declamation on the subject of the liberty of the press. Whoever saw what the world was now, and compared it with what it formerly had been, must be sensible that it had greatly improved in the science of government, and that that improvement was entirely owing to the liberty of the press. From what he was then stating in favour of the liberty of the press, no gentleman, he trusted, would consider him as a defender of its licentiousness. He was, however, a defender of the liberty of the press in that sense in which it could be defended. But if even the just liberty of the press were transgressed, he owned he should be an enemy to a severe punishment being inflicted after the crime was committed. He was also an enemy to all previous restraints on the press, because he thought he could prove, that, in all countries and at all times, previous restraints on the press had the effect of restraining the just liberty of the people, and had never been able to prevent the mischiefs arising from its licentiousness.

"Having said so much with regard to the liberty of the press," Mr. Fox declared "he thought there was no danger to be apprehended from any law, or from anything which they might propose to make a part of the law of the country; on the contrary, it was his opinion that if the liberty of the press in this country could be in any way endangered, it must be by a series of judgments and a series of punishments on free writings: and this, he doubted not, he should be able to prove. He hoped he should not be told, in answer to what he had advanced, that they had not only reached the mark of liberty, but had gone beyond it. He hoped he should not be desired to look at the abuse of that sacred engine of liberty, as the levelling the good and bad, and making every man dead to shame and insensible of good character, which was the foundation of everything great and glorious among men. If persons were to argue that from the circumstance of there being so much license there was liberty enough, in his apprehension they would argue very unwisely and very inconclusively. It was no difficult matter in this country for any man to libel another; but no man could libel the actions of another with impunity, and public characters had as much a right to be defended as those who never mixed with public affairs. Any man, if he pleased, could indeed personally libel with impunity any public or private character; they could libel him, or much more respectable members of Parliament; they might even go farther, and libel ministers and the great officers of state. But he contended, on the other hand, that there was much doubt whether any man could really freely discuss the actions of government in the way in which he apprehended it was the right of every man to discuss them, without a greater risk to his person and property than prudent men would choose to hazard."

Mr. Fox declared, "that he felt considerable difficulty, not only from the importance and magnitude of the object he had to state, but also considerable difficulty in the manner of the arrangement of the matter with which he should trouble the House. Perhaps the most easy way would be for him to state his ideas in the order in which they had arisen in his own mind, beginning with particulars and going on to generals, instead of beginning with generals, and exemplifying them by particular instances, which was the more usual method. In the course of the last year, when the Spanish armament was raised,* gentlemen would recollect that there had taken place a considerable degree of discussion among the public with regard, first of all, to the propriety of that armament; and secondly, with regard to the conduct of that and the other House who granted the supplies. That such a business should be the subject of discussion in any country, particularly in a free country, could be matter of surprise to no man; that it was a subject of fair discussion he thought could not be controverted. On that occasion there had appeared some strictures in a newspaper on the conduct of the King's Ministers; and that paper, to the astonishment of most people, had been prosecuted. If gentlemen would take the trouble to read a variety of things that had been written at that time, not with regard to the character of public men, but with regard to the conduct of public ministers, he should rather suspect the newspaper alluded to would not be found among the most eminently culpable, but, on the contrary, among the most innocent that had appeared. However, the paper was published, and it was prosecuted. The printer pleaded guilty, or allowed judgment to go by default, and judgment was given against him; a judgment which appeared to those who compared it with the paper, and, he confessed, appeared so to himself, to be most inordinately severe. He could hardly have thought, he said, that a person stating in a newspaper his general disapprobation of the measures adopted by the King's Ministers; stating that he conceived the ostensible purpose could hardly be the real purpose; stating the object of Nootka Sound to be too minute to justify so great a hazard as the country was then about to incur, and that, therefore, it might be connected with our Prussian alliance, was guilty of a libel. He should have thought that such a paper not only did not deserve a severe punishment, but was no libel at all.

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* In the year 1789, and during a period of profound peace, four British vessels were captured at Nootka Sound, by two Spanish ships of war; their cargoes seized, and the officers and crews made prisoners. When the British Government demanded satisfaction, and restitution of the vessels and cargoes which had been seized, the Court of Spain replied, that the vessels had been restored and the crews set at liberty, on the supposition that nothing but ignorance of the rights of Spain could have encouraged individuals of any nation to resort to those coasts with a view to establishment or commerce. Spain also asserted a claim to the exclusive rights of sovereignty, navigation, and commerce on the north-west coast of America, and commenced vigorous preparations for war. To counteract these armaments, a vote of £1,000,000 was passed in the House of Commons on the 10th of May, 1790, without opposition. At length, all differences between the Courts of London and Madrid were terminated by a convention between his Britannic Majesty and the King of Spain, signed on the 28th of October, 1790.—See the papers relative to this dispute with Spain in the Annual Register for 1790, p. 285, *et seq.*

His first wonder was that the printer should have been so ill-advised as not to defend himself. In the next place he was astonished that no motion was made in arrest of judgment, on the ground that the paper was no libel at all. He thought the sentence most severe, and that opinion had not," Mr. Fox said, "been peculiar to his own mind; he believed he could speak the sentiments of a whole profession, and that, as far as it could be collected, the general opinion of the bar was, that it was a sentence beyond what they could have conceived was likely to have been given. He said, he had read the libel with great care, as it had appeared in the *Morning Herald*, and it appeared to be a libel on the King's Ministers, and nothing more."

Mr. Fox alluded in this instance to the proceedings of the King against Luxford, late printer of the *Morning Herald*, and read from the information in his hand the following extract, which was stated as the essential part of the libel: "We cannot dismiss this serious and alarming subject without observing, that this manœuvre of our ministry will make a deep impression upon the French cabinet, national assembly, and people in general. They will not easily be led to believe that Nootka Sound, on the farther side of North America, can be such an important object to a people who have just the other day so tamely surrendered up the whole eastern side of North America, as to induce them to hazard all upon such a new-discovered, undefined, and almost unknown land, lying, as we may say, at the back of the world. They will sooner think that this armament is destined against Brest and Toulon, than against Cadiz and Barcelona, upon such grounds as are held out to public view; and notwithstanding their present seeming disjointed state, they will find ways and means to coalesce among themselves, so as to put the state machine in order, so as to lend some efficacious aid to their never-failing allies, the Spaniards."

"To say in that point that the King's Ministers had acted without policy, prudence, or spirit, was undoubtedly a libel; and if those words were to be applied to the Russian business it would be equally a libel, because the person who wrote them could not in point of law have justified, and consequently must necessarily have been convicted. But did any member of that House think that such a libel deserved so severe a punishment? He was perfectly persuaded that no man would say it did. The paper also stated that the King's Ministers, by various declarations, some of them in that House and some of them out of it, had deluded the people and the country with respect to such armament. That also was a libel: and here again the printer could not have been permitted to justify the truth of these assertions, and therefore he must have been convicted. In the degree of punishment to be inflicted they ought," Mr. Fox said, "to take into consideration the present state of manners and of things; and if this had been done in the present case, John Luxford might have been sentenced to some short imprisonment, or to pay some small fine; but that he should have been sentenced to be imprisoned for twelve months, and to stand in the pillory, was a severe and inordinate judgment compared with the degree of his guilt.

" Having admitted that it was a libel against the King's Ministers, he had admitted all that he thought necessary to be admitted on the present occasion. Without paying any compliment to the gentlemen opposite to him, in the present state of things, the mere saying they had acted without policy; without prudence, and without spirit, would not, he was persuaded, have induced them to punish a man for a libel, or at least not to have pursued it to so great a length of punishment. He did not think that they themselves would have thought that it would have been consistent with the dignity of their characters to have prosecuted the printer at all: he should have guessed this *à priori*, and he thought he might state it from the thing itself. There were," Mr. Fox observed, " in the information against Luxford, other counts and other innuendos,* besides that for a libel against the King's Ministers." Here he read a copy of the information, the indictment, the opinion of the judge, and finally the sentence. " He always spoke with great diffidence when he spoke on legal subjects," he said, " and he meant to do so then, but he had read the information with all the attention he was capable of giving to any subject, and he must declare that it was drawn in a way perfectly unintelligible to him. It might possibly appear otherwise to professional gentlemen. He conceived the proper way was to state the malice, the seditious intent, or any other circumstances of that kind first; and he believed he was fortified by the greatest authorities, in conceiving that innuendos were only to be used as a matter of explanation, and not as matter of addition. The force of an innuendo, he conceived, to be equal to the words *id est*, *scilicet*, or to the English word ' importing,' which, in his mind, expressed it best of all. He said, it was very difficult to speak with clearness and perspicuity on the subject, the word ' meaning' having a double sense. When he said a word *meant* so or so, there were two ways in which it might be taken; its first sense was when it was merely explanatory of what went before, and was a true innuendo, as the K., meaning the King of Great Britain, &c. Cadiz and Barcelona, meaning Cadiz and Barcelona in Spain, &c. There was also another sense of the word ' meaning,' which signified ' purposing,' as when he said he *meant* to do such a thing to-morrow. This word he must contend in all informations ought to be used in the sense of *importing*, and not of *purposing*. The third count in that information, which was the material part of the charge, was that which stated it to be a libel, not on the King's Ministers, but a libel tending to produce dangerous consequences to the country; that it would tend to alarm the King of France, and to stir up hostilities between this country and France."

Mr. Fox said, " he must here speak collaterally, a little of the mode in which libels were judged. He maintained that the filling up of the innuendos was the province of the jury, and after they were filled up the tendency and consequences were inferences of law; and he took this to be the real state of the law; though it was by no means agreeable to his opinion of what it ought to be. If this had been an inference and not an innuendo, he conceived it would have been competent to arrest the judgment, because a meaning had been put on the words which they would not bear. It was said, the intention was to have excited the King of France so and so. This, he contended, was an inference not to be drawn from the text, either in reason or in law; and if there had been nothing in this libel but that, he had not the least doubt but the judgment would have been arrested: it did not, therefore, come into that shape as a legal inference. It was," Mr. Fox observed, "matter of material mischief and of material injustice, to make that a tendency and an inference of fact, in order to convert it by a double and unequivocal sense into an innuendo. He said he should just state to the House the particular tendency to which he alluded, and then he would ask every gentleman in the House whether it was not an inference, and not an innuendo?" Mr. Fox showed, in the clearest and most convincing manner, by reading particular parts of the information, that he was justified in his arguments. From this he inferred, that they could not use as an innuendo the word 'meaning,' when it could be construed by the word 'purposing,' but only where it could be explained by the word 'importing.' The way in which the information had been drawn left the person who was the object of it in perfect doubt how he was to defend himself against it. "He might be answered," Mr. Fox said, "that this was not an innuendo: it was a legal inference, of which the Court would judge; and the Court might afterwards tell him this was not a legal inference, but that the jury had found it, and therefore it must be taken as fact in the record. In what situation, then, was the unhappy Luxford left? Was he to move an arrest of judgment? No. He should have advised against any such measure. It would have been but of little consequence to him to have been acquitted of the third count, when he must be found guilty of a libel on the King's Ministers." Mr. Fox said, "he was perfectly sure this mode of proceeding was in the highest degree improper and unfair. The inference ought to have been stated in the outset of the business: they had a right to argue on the record; and he would venture to say, if that had been allowed, and if the whole had turned upon that, and nothing else but that count in the information, if it had been asserted that this was an innuendo, and common sense rejected it as such, if it had been put into able hands, judgment must have been arrested.

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* *Vide* vol. i. p. 329, note.

"Having much considered this case, a variety of things," Mr. Fox said, "occurred to him as fit to be done; and objections at the same time occurred to almost every one of them. He considered how far he should complain, and when he came with anything like a complaint to the House, he begged leave to say how far he meant anything against the Court of King's Bench. He did not suppose that they had acted from any motives of direct corruption or from party purposes. If he had supposed anything of that sort in their minds, he should have looked whether he had any means of proving it, and if he had, he should not then have shrunk from the inquiry; but he was perfectly convinced of the contrary. He conceived if there had been any thing wrong that they had yet done, it was from error, and from the difficulty of their situation as the law now stood on the subject of libels. He, therefore, was not going to move anything which could be construed to be at all like a censure on the conduct of the judges. But was the measure therefore, he would ask, to sleep? Ought it to be so? Was he to stand by and consent, he would not say that an innocent man, but what was nearly the same thing, that a guilty man should suffer much more than he deserved to suffer? There was, therefore, one view at least in which he should have brought forward the business, and that was to move to present an humble address to the King to pardon Luxford; but he had been told, how truly he knew not, that the most severe parts of the sentence were already done away, and therefore, perhaps, an address would be useless. However, if he went into the committee, he should certainly move that an address be presented to his Majesty, to entreat his Majesty to pardon John Luxford.

"With regard to opinions entertained in that House, he knew," he said, "that there were those who maintained that in order to preserve a proper respect to courts of justice in this country, no man should interfere in anything done therein, lest it should be interpreted into an indirect censure; but that if the judges had committed any fault, an address should be moved to his Majesty to deprive them of their situations. That opinion," he said, "he conceived to be wholly unfounded, and declared he would never consent to such an address against any judge, unless it were for notorious incapacity, or the exercising his authority *malo animo*. If that were so, how," Mr. Fox asked, "could it be maintained that they should allow innocent men to suffer, and permit the guilty alone very frequently to escape; and those who have committed trifling faults to be severely punished? It would, perhaps, be said that they ought not to interfere till they could produce some proof of personal iniquity; but whenever he conceived that courts of justice acted in any way so as to pervert the principles on which they were founded, and to produce mischievous effects, he thought it was his duty (he declared he said it without meaning any disrespect to the judges) to take their conduct into consideration, and to oblige them to apportion their discretion in the punishment of crimes as nearly as possible to the offence, in such manner as to make them be approved of by the just as being reasonable, and such as the common sense of mankind would commend."

Mr. Fox said, "that when he had considered the subject of this particular libel, he was led to consider the subject of libels in general; thus, in the way of innuendo and inference, he was led to consider who were to be judges. If the jury were to be the judges of innuendos, it was contended that they ought not at least to be judges of inferences, but that those should be referred to the court. He confessed he saw no rational ground for such a distinction; for, in his opinion, if any plain man met on the jury, and was capable of filling up the innuendos, he was at least capable of drawing an inference of fact, of one fact from another. If a person maintained that such a libel excited the French against Great Britain, that was an inference of one fact from another fact upon which a man could gather light from his own mind, but with respect to which he could gather no light from all the law books in the world. To him," Mr. Fox said, " it appeared to be a strange idea that a jury, although it could fill up an innuendo, could not draw an inference of fact. This led him to consider whether, where law and fact were mixed together, a jury could not judge of the law as well as of the fact; and on this complicated business he should state his ideas to the House. He had looked into several books on the subject, and as the point had been handled in very modern times, he had begun with the most modern writers. He had looked as deeply into the subject as it was possible for him to do. He would not say all that he thought in the presence of his honourable and learned friend (Mr. Erskine) on the subject of his honourable and learned friend's speech in the case of the Dean of St. Asaph; a speech so eloquent, so luminous, and so convincing, that it wanted put in opposition to it, not a man, but a giant; not a pigmy or a dwarf, but something like an adversary capable of coping with it.* He had," Mr. Fox said, " endeavoured to find out if there was any argument on the other side of the question. He was perfectly aware that in matters of law, as indeed in all other matters, great authorities were arguments; but authorities, great as they might be, must," he said, " some time or other, clash with reason; and if the authorities were clear one way, and reason another, it would produce the greatest of all mischiefs, for reason must triumph, and the effect would be, that it would destroy in future all reverence for authority, and would therefore do away that species of argument.

" On this subject," Mr. Fox observed, " there were not small shades only of difference of opinion among eminent lawyers, but they differed, according to the common expression, *toto cœlo;* the opinions of some being diametrically opposite to those of others. It was the opinion of the Court of King's Bench that the jury were to find the publication and innuendos, and that the question of intention was afterwards completely left to the court: the court were to consider it in the nature of a special verdict. He found opinions maintaining directly the reverse. He was," Mr. Fox said, " of opinion that many of the things stated were matters of fact; but whether they were matters of fact or law, where the general issue was joined the jury must consider such general issue, and give a verdict compounded of fact and law. These opinions," Mr. Fox observed, " were not of modern date; the first man, he apprehended, who stated that opinion was a person of the name of John Lilburne, who, immediately after the beheading of Charles the First, and during the existence of the Commonwealth, was indicted for a treasonable paper. He expressed himself," Mr. Fox said, " truly and properly in principle, though his words were coarse and his phrases homely. With regard to his acquittal or condemnation, John Lilburne declared the jury were all and everything; that the judges were mere cyphers, and their duty was solely to register the verdicts of the jury. The reply to John Lilburne's observation was a specimen," Mr. Fox remarked, "of the temper of the times and the disposition of those days: in answer to this, Judge Jermin, who presided on that occasion, said it was a damnable and blasphemous heresy to call the judges cyphers![*] Lilburne, however, was acquitted in spite of the anger of the judge, and in spite of the influence of Cromwell. For a long period after that," Mr. Fox observed, "the business had not been considered in the way he considered it, till of late years, and it seemed rather extraordinary that it had so happened."

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* *Vide* vol. i. p. 298, *et seq.*; and also Howell's St. Tr. vol. xxi. p. 971.

Here Mr. Fox went through the law and practice respecting libels in the reigns of Charles the Second, James the Second, and part of that of King William. "He would," he said, "state a circumstance that was rather to be looked upon as a conjecture than as a certainty; from the Reformation till some years after the Revolution, the jury had only to consider whether such a thing was published with or without a license; if it was published without a license, it would constitute a crime; and the Court afterwards considered the malignity of the offence. He hoped it would not be regarded as cavilling on the subject to declare *ex vi terminorum*, that it appeared a solecism to say that to a general issue joined a special verdict[†] should be given; it was obvious that the jury must give a general verdict according to the general issue. It seemed strange to him," Mr. Fox said, "to be told, when he was accused of seditiously writing a libel, that he ought to plead generally. The law said, you might plead the general issue of not guilty. The general issue of not guilty was pleaded, because, in order to any one being guilty, it must be proved that a libel was written, and written by such a person. A great deal of stress was to be laid on the word guilty. He did not," Mr. Fox declared, "comprehend on what principle the law of England, with all its liberality and justice, could pronounce any man guilty without previous inquiry into his guilt. If any book had been written, and the author had been indicted, he was pronounced guilty before there was the least guilt proved. Guilt, he contended, must be proved before it could be inferred. Men were not to be convicted on the word guilty, and after the word guilty was pronounced by the law, as it at present stood, it was to be determined whether the writing was culpable or meritorious. By going on farther, an argument suggested itself to him which he conceived to be perfectly conclusive on the subject, and the strength of which was universally acknowledged by almost every judge; by Lord Raymond, Mr. Justice Lee, Lord Mansfield, and Mr. Justice Buller, with many of whom he differed, namely, that it was in the power of the jury to find, not guilty. He was not," Mr. Fox said, "ignorant that power and right were not convertible terms. But if a power was vested in any person it was surely meant to be exercised." Mr. Fox mentioned Mr. Justice Ashhurst, who, in speaking of right and power, observed, with respect to power, that a highwayman has the power to rob you, though the deed be a crime against divine and human laws. Mr. Fox conceived there was a power vested in the jury to judge of law and fact, as often as they were united; and if the jury were not to be understood to have a right to exercise that power, the constitution would never have entrusted them with it. That the constitution should have entrusted to the jury a power which was never to have been exercised, was, he declared, beyond his comprehension. He thought it proper to attend to the few arguments which he found on the other side of the question, and which all went on grounds that struck his mind as different from this. He could not view the law and fact in any other light as separate, but as a confusion of ideas in those who granted the first principle, *ad questionem facti non respondent judices; ad questionem legis non respondent juratores*."

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[*] See Howell's State Trials, vol. iv. p. 1381.

[†] *Vide* vol. i. p. 307.

Mr. Fox begged leave to inquire into this a little. "When a man was accused of murder, a crime consisting of law and fact, the jury every day found a verdict of guilty; the jury felt themselves, in that case, bound to judge both the law and the fact. How," Mr. Fox asked, "did they do this? By the advice of the judges. Here again, he said, without cavilling about words, it was fair to infer that the judge who advised the jury, advised them only in cases where they had jurisdiction. If the jurisdiction had been in the Court, and not at all in the jury, the judge would have prevented the latter from acting altogether, and would have taken the jurisdiction to himself, but they knew it was the province of the jury to judge of law and fact; and this was the case not of murder only, but of felony, high treason, and of every other criminal indictment. Libels were the only exception, the single anomaly; and if it was so, it was a great one indeed! When he turned his thoughts towards the decisions of Lord Mansfield, and it was with all the respect and reverence due to his character, his doctrine on libels amounted to this, to consider a verdict on the case of a libel in the nature of a special verdict. In that case, therefore, the jury," Mr. Fox said, "were compelled to give a special verdict, which ought to be always matter of choice; but on this they were not left to their choice. There was a very material difference between a special verdict in the case of a libel, and other special verdicts. In the latter case the Court must," he observed, "give its opinion with regard to the law, but in a special verdict for a libel no such thing took place, and there was no necessity for the Court to give any opinion, unless a motion were made in arrest of judgment. On a special verdict, in the case of a libel, judgment followed, unless a motion were made to arrest the judgment; whereas they could not do so in cases of murder, or of felony; in fact, they could not do so in any other case whatever. Without any declaration from the Court or jury, judgment, it had been held, should follow; and in cases of libel, if what Lord Mansfield said were true, it did follow. The jury found the publication and innuendos, and yet what," said Mr. Fox, "had been proved against the defendant? Nothing. All that appeared was that a man had written a book which might be perhaps innocent, perhaps meritorious: the Court had passed no judgment upon it; the jury had given no verdict in it: but though no guilt had been proved, yet as a motion had not been made in arrest of judgment he must be punished as a libeller.

"Was it," Mr. Fox asked, "agreeable to the law of England, that the *onus* should lie on the person accused to prove his innocence, and not on those who accused him to prove his guilt? The arguments on this subject were chiefly drawn from authorities, and if the House thought it worth their while to go into a committee, they would find those authorities extremely inconclusive." Mr. Fox contended, "that if the jury had no jurisdiction over libels, the counsel became libellers for speaking before a tribunal which had no jurisdiction; their eloquent speeches to heighten the enormity of the libel charged, on the one hand, and their exculpatory harangues in favour of the delinquent, on the other, were not only needless, but improper. If the Court were sound in their law they would not," he said, "permit such pieces of eloquence to be delivered. In the case of the King against the Dean of St. Asaph, the judge stated, that he suffered it in order to satisfy the minds of standers by. When a jury was in a Court of Justice, in order to inquire into the innocence or guilt of a man charged with libel—and they did not inquire into the criminality at all, but only inquired into the fact of publication—the counsel get up to speak on one side of the question; and as that was an irregularity the counsel on the other side must be indulged with an answer; and thus one irregularity was committed after another, as was sometimes the case in that House. Could he believe that Lord Mansfield, whose integrity as a judge no man would dispute, should fall into opinions so little fitting his high situation and his dignified character? His lordship had," Mr. Fox observed, "got into a situation which there was no defending, without departing from that meekness of heart so peculiar to his lordship. There was some shade of difference, certainly, in the argument between that noble earl and his colleagues. He had," Mr. Fox said, "laid it down throughout, that it was unnecessary to prove malice; at the same time he agreed that the defendant, if he brought any witnesses or evidence to rebut the presumption of guilt which lay against him, might produce such witnesses or evidence, and on that the jury would form their judgment." Mr. Fox wished this to be considered a little; "he could not help saying that there appeared to be something of confusion in the noble earl's ideas on that subject. He did not want proof of the malice, for the publication would be sufficient ground to infer malice or not. In case of murder, a man might say he did not want any proof of malice, because the fact spoke the malice; but, then, let the reason be stated why proof of malice was not necessary, the fact was, that proof of malice was not wanted, because it was evident that it did exist. What," Mr. Fox asked, "was the case of libels? No proof was deemed necessary, but the bare publication was taken to be sufficient proof. He should," he said, "illustrate, as well as he could, the policy and legality of bringing evidence to rebut a presumption drawn from this circumstance. A presumption was not a thing distinct from proof, but was a species of proof, of proof inconclusive, till the contrary was established. The noble lord might hear what he pleased to rebut this. If the jury could hear the evidence they must judge of the evidence; they must include a judgment on the presumption; and they must do that by weighing the presumption and evidence, and by comparing the one with the other; and, therefore, the moment that it was admitted that they could bring evidence to rebut the original presumption they must judge of that presumption; for they could only judge of the evidence by comparing it with the presumption. If," Mr. Fox said, "he were of opinion that the jury could not judge of the innocence or guilt of a paper, he should tell them they had nothing to do with it.

"There was another part of the doctrine of the noble lord, (Mansfield), which appeared to him strange and unaccountable. It was admitted, not only in cases where there were innuendos, but where a libel was supposed to be without an innuendo, and where the words were all plain; it was admitted, that if a part of a writing was libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence." Mr. Fox asked, "On what principle the jury were to look at the whole, but that they might know whether the paper was libellous or not? If the jury had nothing to do with the guilt or innocence of the paper, but were only to give a verdict on the publication, it would be perfectly idle and ridiculous to lay the whole of the evidence before the jury, who, as Lord Raymond emphatically expressed himself, 'had nothing to do with it.'* All the admissions made on that side of the question appeared to show its weakness, and nothing remained to be considered but authority, and that authority he should consider as shortly as possible." Mr. Fox here considered the opinion of Lord Holt, in the case of the King against Bear. Lord Holt, and two or three of the other judges, did expressly declare that, on the ground of the jury having found *falso et malitiose*, they thought the verdict ought not to be arrested. In the case of the King against Tutchin,† the opinion of Lord Holt was directly the reverse of what it was in the former case, and he left the criminality generally to the jury. In 1731, in the time of Lord Raymond, the present doctrine of libels was introduced. But although this doctrine had been universally held during sixty years, he hoped no man would contend that it ought to be law. Indeed, that principle of law was so absurd, so vicious, so untenable, and so impossible to be held consistently, that in the practice of this reign, and especially in the practice of Lord Mansfield himself, it had not been adhered to. In the case of the King against Woodfall,‡ the principle was slightly touched upon; but in the case of the King against Horne,§ there was a complete acknowledgment of the arguments of his learned friend, (Mr. Erskine), whom he had the honour to follow in that place." He said, "he had the notes in this case from others, and he entertained not a doubt but that they were correct, though he would not vouch for their authenticity." Mr. Fox then read a long extract of the summing up of Lord Mansfield, at Guildhall, in the case of the King against Horne; Lord Mansfield had at that time said, that it was a matter for the judgment of the jury, and that they were to decide on the criminality. These were nearly his words: "You will judge whether it conveys a harmless, innocent proposition for the good and welfare of this kingdom, the support of the legislative government, and the King's authority, according to law; or whether it is not denying the government and legislative authority of England and justifying the Americans, &c.; and if it was intended to convey that meaning there can be little doubt whether that is an arraignment of the Government and of the troops employed by them or not. But that is a matter for your judgment. You will judge of the meaning of it; you will judge of the subject to which it is applied, and connect them together, and if it is a criminal arraignment of these troops, acting under the orders of the officers employed by the Government of this country, you will find your verdict one way; but if you are of opinion that the contest is to reduce innocent subjects to slavery, and that they were all murdered, why then you may form a different conclusion with regard to the meaning and application of this paper."* "This doctrine was completely denied in the case of the King and the Dean of St. Asaph. If the notes which he (Mr. Fox) had were correct, that great and respectable authority, Lord Mansfield, was not perfectly consistent with himself. In the case of the King against Horne, the jury were told that they were to consider the publication, and from the nature of it, as well as from other circumstances, to infer the intent of the person accused. No gentleman could suppose that he meant to lower that great and respectable man; but he could not do justice to the subject without stating the inconsistencies he had enumerated. It was not with a view to diminish the respect that he entertained for that able magistrate, but it showed that with all his abilities he could not be consistent, and was obliged to waver. The inconsistency of great men proved—and there was no man so great, either in history or romance, against whom inconsistency could not be proved—that there were doctrines which could not be supported; and such inconsistency was generally much more the fault of the doctrines themselves, than of those who adopted them."

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* *Vide* vol. i. p. 317, note. See also the trial of Richard Francklin, in 1731, for a libel, Howell's St. Tr. vol. xvii. p. 625.

† For the case of the King *v.* Tutchin, see Howell's St. Tr. vol. xiv. p. 1095.

‡ *Vide* vol. i. p. 338, note.

§ Afterwards Mr. Horne Tooke.

Mr. Fox said, "he had hitherto considered the subject as relating to libels, and to libels only. He next meant to state it with respect to another point of still more importance, namely, with regard to high treason. A writing had frequently been held to be an overt act of treason; but he was aware that this had of late been questioned.† When a writing was charged as an overt act of treason, it was not necessary that the particular words made use of should be stated in the indictment; the substance of them was sufficient. The opposite rule, however, applied to ordinary indictments for libel.‡ He wished to know a fact which he had asked of many gentlemen, and in reply to which he had received a variety of answers. He wished to ask, if a jury, in the case of libels, could only judge of the publication because it appeared on the record. On the very same principle on which this could be done, all the doctrines relative to libels applied to high treason. Suppose that a person were upon his trial for high treason for writing that which would be considered by the Court of King's Bench as an overt act; the Court had a right to say to the jury, ' Consider only whether the criminal published the paper; do not consider the nature of it; do not consider whether it was treasonable, whether the overt act it intended was to accomplish the King's death; for, whether it was or was not, that fact would depend on the words set out on the face of the record:' and if the accused person were found guilty of high treason, and no motion in arrest of judgment were made, he would be hanged and quartered. Would Englishmen endure that this should be the case? Could men permit death to be inflicted without a jury having had an opportunity of delivering their sentiments or verdict, whether the individual was or was not guilty of the crime with which he was charged? If this doctrine were true, and applied to high treason, then the overt act was unnecessary; the person who wrote the paper could easily be shown to have published it; he would not have a word to say in his defence; and he must be found guilty, not of a misdemeanour, but of high treason. His liberty and life were not to depend on the verdict of twelve jurymen, but on the opinion of four lawyers; he did not mean to speak with disrespect of the judges; but the result would depend on four men, who drew their deductions from books, and not from facts, and the circumstances of the times. A man might thus be in a situation to lose his life, without the judgment of his peers. This point was stronger in the case of high treason than in that of libel, but it was only stronger, inasmuch as to a man death was of more importance than temporary confinement.

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* Howell's St. Tr. vol. xx. p. 761.

† Blackstone's Com. vol. iv. p. 80.

‡ Starkie's Criminal Pleadings, vol. i. pp. 124, 125.

" He wished," Mr. Fox said, " to know whether that doctrine of libels did or did not extend to high treason. The House would observe that he had confined himself chiefly to the case of seditious libels, and altogether to the case of criminal prosecutions for libels. With respect to all libels which were prosecuted by civil suits, and them only, there was a difference between them and criminal prosecutions. In criminal prosecutions, the thing to be considered was the guilt of the criminal; in civil prosecutions, besides the guilt of the offender, there was the redress to which the plantiff was entitled, by way of damages. A criminal prosecution, therefore, and a mere civil action for damages, stood on separate and distinct grounds. There were one or two cases which had been commonly stated, and which he wished to state, in order to show, that although the person injured might have redress, yet it was to be obtained only on the proof of malice. In illustration of his argument, he stated the supposed case of a gentleman wishing to know the character of a servant, who had been formerly in his (Mr. Fox's) service. Perhaps," said Mr. Fox, " I state his character to be that of a person addicted to drinking, neglectful of his duty, and not, in my opinion, perfectly honest. No action," he observed, "could be maintained against the master by the servant, even though his master had called him a thief, if it had been true, unless the servant could prove that his master had done it from motives of malice." Mr. Fox cited another case from the Star Chamber—a case which fell under the same rule precisely with the last, namely, that of a man's writing to inform a father that his son was addicted to vicious courses, and admonishing him to endeavour to reclaim him. "In that case," Mr. Fox said, "the letter had not been held to be defamatory, but reformatory. There were several other cases, he observed, that had a great resemblance to libels; as, for instance, the case of threatening letters. He stated one which had been tried before Mr. Baron Hotham, for whom he entertained a very high respect. He thought that learned judge had acted with perfect propriety in leaving the guilt or innocence of the paper to the consideration of the jury."

Mr. Fox said, that "although he had been able to show to the House that the law of libels was contrary to the original principles of law, and dangerous to the constitution, yet when he would suggest a remedy for these evils, he found himself incapable of doing it without the assistance of the House. If the committee were clear as to the law on the subject, he thought their wisest and most proper measure would be to enact a declaratory law respecting it. If the committee were of opinion that the high authorities on the other side of the question made the law doubtful, they might settle the law upon the subject in future, without any regard to what it had been in times past.

"Before he dismissed the subject of libels," Mr. Fox said, "he would refresh their memories with what he had said on special verdicts; and what he had said on that subject, he declared he did not say without mature consideration. The Court asserted, that all verdicts on libels were of the nature of special verdicts; and yet he was informed, on good authority, that if another kind of special verdict, namely, the verdict properly so denominated, were given, it would not answer the purpose. If a report of special verdict was made without the word 'guilty,' no judgment could follow; they were, therefore, only deceiving the jury. All this," Mr. Fox said, "had been very fully stated in the case of the King and the Dean of St. Asaph, and afforded a very strong argument for the side which he had espoused. He contended, therefore, that in all cases of libel the jury should be permitted to give a general verdict, and to judge of the intention as well as of the publication."

Mr. Fox having finished the subject of libels, "wished to call the attention of the House to another subject of very great importance; but this," he said, "he should do in as concise a manner as possible. By a statute of Queen Anne,* for regulating proceedings by *quo warranto*,† every corporator might inform himself of the corporate situation of any burgess of the same borough. Any private man might make his application, and, according to a late opinion, the Court had a discretionary power of granting or refusing it, as they thought fit. Another opinion on the subject was, that the Court had no such discretion; the former opinion, however, was the best. The Attorney-General might also, of his own authority, move for informations, in the nature of *quo warranto*, as well as others. The Court of King's Bench had endeavoured to lay down a rule to guide their discretion; Lord Mansfield* had laid down twenty years as the space of time after which, in no cases, applications should be made to disturb men in their franchises; and even within that time the Court very frequently refused such applications; but about two terms ago, the Court of King's Bench had greatly shortened the period within which people might apply for such informations.† They had determined, if a man had enjoyed his franchises without interruption for six years, he should never be called upon after that period. Mr. Fox wished to say a very few words on the wisdom of this regulation. He thought the rule ought only to have been prospective, and not restrospective. The Court should have given notice of their intended rule some time before it began to operate, because people, knowing that the law allowed them twenty years, usually thought they had abundance of time, and therefore laid by. This was not only unfair, but it was unjust.

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* 9th Anne, c. xx.

† A writ of *quo warranto* is in the nature of a writ of right for the King, against him who claims or usurps any office, franchise, or liberty, to inquire by what authority he supports his claim, in order to determine the right.—Blackstone's Commentaries, vol. iii. p. 262.

"There was another very serious view in which," he said, "the subject might be taken into consideration. That House, as vigilant guardians of the constitution, ought to watch against all possible inroads. The Attorney-General, as already stated, could of authority move for informations. Private subjects were confined within six years; the King's Attorney-General, however, was subjected to no such inconvenience, being wholly unlimited in point of time. It always happened that the King's Ministers were more or less concerned in elections: and consequently the Attorney-General might move for a great many informations against those who were not friendly to him or his associates. As the law before stood, this was attended with no inconvenience, because if A. moved against B.'s electors, B. might move in his turn against the electors of A. But by the last rule of the Court of King's Bench, private men were greatly cramped and confined; whereas the Attorney-General, on the part of the King, might move at any time, agreeably to the maxim, *nullum tempus occurrit regi.* Corporators, after six years, were safe against every man but the King, so long as they exercised their franchises in a way not hurtful to the interests of the King; but if they were to exercise their privileges contrary to the interests of the Crown, the King's Attorney-General might come and take their franchises from them. This," Mr. Fox said, "was an immense additional weight to the prerogative of the Crown, and might prove extremely dangerous to the liberty of the people. The remedy he meant to propose appeared to him to be perfectly unexceptionable. He thought there ought to be a statute regulating the conduct of the King's Bench with regard to the granting of such informations, and giving double costs in cases of frivolous applications. He considered it as highly inconvenient, that the rule of limitation of the King's Bench did not exceed the length of a Parliament, and he wished it, for obvious reasons, to extend to eight or nine years. He further thought that the power of the Attorney-General in this respect should be taken away, or at least ascertained, and that the Crown and the subject should stand precisely upon a level." Mr. Fox said, "he had stated all the matter that occurred to him as the ground for going into a committee. If any gentleman had any additional grounds, he would wish him to state them." *

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* 4 Burr. p. 1963.

† 4 Term Rep. p. 284.

Mr. Fox proceeded to observe, that "there was on the subject of libels one great and popular topic, which he had passed over without having said anything upon it. He had not forgotten it, but had purposely omitted it. It was a question that had been much canvassed in the world, namely, the doctrine that truth was not only not a justification, but that a libel was the more a libel because it was true. With respect to this question, he should not meddle with it, because he conceived it to be a most difficult question. To say that truth was not sometimes a justification, would be very extraordinary indeed; and yet there certainly were cases in which truth would not be a justification, but an aggravation. Suppose, for instance, a man had any personal defect or misfortune, anything disagreeable about his body, or was unfortunate in any of his relations, and that any person went about exposing him on those accounts for the purpose of malice, and that all these evils were day after day brought forward, to make a man's life unhappy to himself, and tending to hold him out as the object of undeserved contempt and ridicule to the world, which was too apt to consider individuals as contemptible for their misfortunes, rather than odious for their crimes and vices; would any man tell him, that in cases of that sort the truth was not rather an aggravation? On the other hand, in questions relating to public men, truth, with respect to public measures, ought to be held to be a complete justification of a libel, if it could be called a libel in that situation." Mr. Fox said further, that "if any man had stated anything that was of great importance, upon its being taken amiss by another, the truth of it, if it could be proved, was not only a mitigation, but in his mind a complete justification. He would ask, therefore, how long were they to be negligent about the rights of juries? It behoved the House to be anxious to establish those rights, and by that means to secure the liberty of the press. He conceived that the best way would be, to permit every defendant

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* By 32nd Geo. III. c. 58, it is enacted, that to any information in the nature of a *quo warranto*, for the exercise of any corporate office or franchise, whether exhibited with leave of the court, or by the Attorney-General, or other officer, in behalf of the Crown or otherwise, the defendant may plead that he has been in possession of, or has executed, the office or franchise for six years or more before the exhibiting of such information.

to prove the truth of a libel, if he thought proper; and then to consider what effect that ought to have—whether it amounted to a justification or otherwise, and to let it affect the judgment either way in proportion. He did not, however, mean to bring this forward, unless it met with the general concurrence of the House. God knew that what he had ventured to bring forward was much beyond his strength; and he should not have brought it forward, if he had not thought it a duty which he owed to the public, and the more particularly at this time, when it was the fashion to go into discussions on the theory of the constitution for various purposes."

Mr. Fox said, "they ought to consider the main springs upon which the constitution turned. They all knew there were two or three great springs upon which it turned; and it was the indispensable duty of that House, as far as it could, to keep those springs in perfect strength and vigour. Amidst all the minuter points, he thought he saw the two most important of those main springs, in the representation of the people through the medium of that House, and the juridical power of the people through the medium of juries; and it appeared to him, that even although the other parts of the system might fall into disorder, yet if these two main springs were preserved in full vigour, the rest might be repaired; but if they gave way, all the rest must fall completely to destruction. He had always considered the powers and privileges of that House to be that part of the constitution which they were obliged to watch over, and obliged to maintain. Another thing of infinite importance was, the right of the trial by jury. This could not be complete unless, in every criminal case, where the law and fact were mixed, the jury were the judges; and unless the intention was to be decided by the jury, and not by men who could only judge by means of books and many subtleties and distinctions, but could never find out the heart of man, and distinguish between his actions."

Mr. Fox begged that "he might not be told by any gentleman, 'You have done much right and much wrong, but on account of what is wrong you shall not obtain what is good.'" He said, "he was willing to take one-half, nay, one-fourth, or anything that he could get, rather than lose the whole. He thought he had done his duty in bringing forward the business, and he hoped there would be a majority for going into the committee." Mr. Fox here took notice of a similar motion that had been brought forward in the House of Commons some years ago "by that sound constitutional lawyer, Mr. Serjeant Glynn, who had brought forward the subject in a more masterly and scientific manner than he was able to do. He confessed he had been one of those who voted against that motion,* which was rejected on account of certain doubts that were entertained concerning it, and a fear that it might weaken the authority of the courts of common law; but upon reflection, he now thought his reasons had been weak and ill-founded. In the case of the King against Topham,"[*] Mr. Fox said, "there was some colour for the Chief Justice agreeing with him. On the present occasion, he was glad to grasp at anything; and the House must now speak out plainly, and say whether they meant to confirm the rights of juries, or to vote against the rights of juries, and to add the weight of Parliament to the weight of the Court of King's Bench." Mr. Fox declared, before he sat down, that "he had intended to bring forward this business in the course of the last Parliament, but had been prevented by other business; and another consideration for his deferring it was, the expectation and hope of his having the able assistance of his honourable and learned friend (Mr. Erskine)—an expectation and hope in which he had not been disappointed.[†] His honourable and learned friend would now have an opportunity to crown the work which he had so nobly begun, and give his sanction to an Act of Parliament to ensure to his country and to posterity the real existence of those rights and privileges, the theory of which he had formerly defended so eloquently, so ably, and in point of reason so triumphantly, though in point of event unfortunately and unsuccessfully." Mr. Fox concluded with moving, "That the grand committee for courts of justice do sit on Tuesday next."

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* *Vide ante*, p. 3, *et seq.*

Mr. Erskine, who seconded the motion, supported it with much eloquence and ability, and disclaimed any intention of conveying censure on the conduct of the present judges; so far from it, that, guided by existing precedents, he should find it difficult, if called upon to fill a judicial situation, to bear up against the current of decisions, although they had obviously broken out of the original and prescribed channel of the law. The Attorney-General, Sir Archibald Macdonald, coincided in opinion with Mr. Fox. He, however, wished not to go into committee, lest the public should take alarm, and be impressed with the opinion that there had been something wrong in the conduct of the judges." Mr. Pitt supported the same argument. He declared, that although he should with great diffidence set up his own opinion against the established practice of the judges, yet he could not but confess that it went directly against that practice; for he saw no reason why, on the trial of a crime, the whole consideration of the case might not precisely go to the unfettered judgment of twelve men, who were sworn to give their verdict honestly and conscientiously. He objected, however, to the going into a committee; but recommended the plan of settling the whole business by two short bills.

Mr. Fox said, "he could not most assuredly make the least hesitation in complying with the suggestion of the right honourable gentleman, who had, in so fair and candid a manner, stated what his own opinion was, and which seemed also to meet the general concurrence of the House. With regard to the ground that the honourable and learned gentleman (the Attorney-

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[*] 4 Term Rep. p. 129.

[†] During the last Parliament, Mr. Erskine was not a member of the House of Commons.

General) had taken, by way of defending the conviction of John Luxford," Mr. Fox declared, " he must differ from him completely. So far from thinking the libel a dangerous publication with a view to inflaming the minds of the people of France, there was no danger in it whatever, nor could any such inference as the honourable and learned gentleman had drawn from it be put upon it, either in reason or in law; and if it could, why was not such an inference averred in the information? No such averment appeared on the face of the record, and the only averment that did appear was, that it was a libel on his Majesty's Ministers, and nothing else. Inclined, then, as he should be, for the sake of practicability, to comply with the right honourable gentleman's suggestion of his giving up the motion for a committee for courts of justice, he could not compromise the case of John Luxford for the sake of the two bills, or for the sake of any practicability whatever, however desirable such practicability might be. In his former speech," Mr. Fox observed, that " he had said, he had heard what, from the silence of the other side of the House on that point, he now feared was not true, namely, that John Luxford was pardoned that part of his sentence which related to the punishment of the pillory. As he was satisfied the sentence of Luxford was most inordinately severe and more than he merited, when compared to the guilt of the libel," Mr. Fox declared, " he must adopt some method of taking the sense of the House upon a motion for an address to his Majesty for his pardon; and he saw not how he could do that without going into the committee for courts of justice, when, as far as his motion for an address to his Majesty for a remission of Luxford's punishment went, it would undoubtedly be an indirect censure on the court that had passed so inadequate a sentence. It might possibly be said, that he ought to proceed in another way, and ground any motion that he thought proper to make on the record; but let the House remember that he had spoken from a paper which he held in his hand, and the honourable and learned gentleman from another paper which he had held in his hand; but Luxford's libel, and the record, were neither of them before the House; and till the House could get at the record, he could not proceed. If he could be told that Luxford either had been pardoned or would be pardoned, the pillory, he would say no more, but for the sake of practicability, would consent to withdraw his motion for a committee for courts of justice, and would barely move for leave to bring in the two bills that had been suggested."

Mr. Pitt said, that with regard to the punishment of the pillory having been remitted, he had not the least recollection of that having been the case, or of any application having been made for it. He had in more than one instance, since he had been in his Majesty's councils, dissuaded them against the too frequent use of the pillory, which, in his opinion, could not be too sparingly employed; and from what he saw of Luxford's case, he had no reason to imagine, if application were made, that there would be any great difficulty in getting that part of the sentence remitted.

Mr. Fox said, " he was so perfectly satisfied with what he had heard from the right honourable gentleman, that he should for the present withdraw his motion for the committee for courts of justice, and wait to see if anything were done in Luxford's case; and if there should not be anything done, he would then move for a copy of the information and of the record, and likewise for an address to his Majesty for mercy in a case which had received a sentence inordinately disproportionate to the degree of criminality in the libel."

The original motion was then, with leave of the House, withdrawn. After which Mr. Fox moved, 1. for leave to bring in a bill "to remove doubts respecting the rights and functions of juries in criminal cases;" and 2. for leave to bring in a bill "to explain and amend the act of the 9th of Queen Anne, intituled 'An act for rendering the proceedings upon writs of mandamus and informations in the nature of a *quo warranto*, more speedy and effectual; and for the more easy trying and determining the rights of offices and franchises in corporations and boroughs.'" Leave was accordingly given to bring in the said bills. The first bill was brought in on the 25th of May, and passed the Commons, with little opposition, on the 2nd of June. It was debated in the Lords on the 8th, when the Chancellor opposed its further progress in that session. His lordship said, that although its principle met with the concurrence of all those noble and learned friends with whom he had conversed on the subject, yet in consideration of the advanced state of the session, and the importance of the bill, he should move, "That instead of being read a second time on that day, it should be read a second time that day month." Lord Camden declared himself a friend to the bill, not because it tended to alter the law of the land, but because it established it. He contended that the jury already did possess, and always had possessed, a legal right to form their verdict on the whole case, law, fact, and intention, how much soever this right might have been discountenanced by the judges. If a jury, notwithstanding the direction of a judge, were to acquit a defendant, no power in this country could reverse this decision; so, if they found him guilty, that verdict could only lose its effect if the Court were to arrest the judgment. Lord Loughborough pursued a similar line of argument. He considered the bill as a declaratory bill, the object of which was not to make that law, which was previously supposed to be of a different description, but to declare and explain what was understood to be at that instant the existing law of the land. The bill, he said, was agreeable to the direction which, as a judge, he had himself always given in cases of libels. He wished, therefore, to be ranked among its warmest advocates; nevertheless, since they were arrived at a period of the session when it was impossible for them to proceed with it consistently with the respect which was due to themselves, to the subject itself, to the rights and to the tranquillity of England, he concurred in the prudent proposal of deferring it. Lord Grenville supported the same side of the question. He thought that it would be unwise and indecorous for their lordships to proceed in such a bill without the assistance of the judges, from whom a declaration of what was understood to be the existing law upon the subject would come with more weight and authority than from any other quarter. The Marquis of Lansdowne spoke much in favour of the liberty of the press; but against its licentiousness. He professed himself to be a zealous friend to the bill; and argued against the proposed delay. The Lord Chancellor's motion was carried, and the bill was of course postponed.

In the succeeding session, however, it was triumphantly carried through both Houses, and passed into a law.* The statute in question enacts that, on the trial of an indictment or information for publishing any libel, where an issue is joined between the King and the defendant or defendants on the plea of not guilty pleaded, the jury sworn to try the same may give a general verdict of guilty or not guilty, upon the whole matter put in issue upon such indictment or information, and shall not be required or directed, by the Court or judge before whom such indictment or information shall be tried, to find the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the same on such indictment or information. On every such trial the judge shall, according to his discretion, give his opinion and directions to the jury on the matter in issue between the King and the defendant or defendants, in like manner as in other criminal cases. The jury may find a special verdict in their discretion, as in other criminal cases. And in case they shall find the defendant or defendants guilty, he or they may move in arrest of judgment, on such ground and in such manner as might have been done before the passing of the act.†

MR. WHITBREAD'S MOTION RESPECTING THE ARMAMENT AGAINST RUSSIA.

At the Congress of Reichenbach,‡ the defensive alliance had proposed to Russia that she should accede to the peace which they were negotiating with Austria; and that all conquests should be restored: but the Empress Catharine refused to admit of any interference between her and Turkey. Being, however, deprived of her ally, the Emperor of Austria, she saw the impracticability of subjugating the Porte for the present; and accordingly offered to restore all her acquisitions except the town of Oczakow and its dependencies, which had been captured by the Russians in the year 1788.

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* 32 Geo. III. c. 60.

† By the Act 6 & 7 Vict. c. 96, for amending the law respecting defamatory words and libels, it is, among other things, enacted, that on the trial of any indictment or information for a defamatory libel, the defendant having alleged in his plea the truth of the matters charged in the manner required in pleading a justification to an action for defamation, the truth of the matters charged in the alleged libel may be inquired into, but shall not amount to a defence unless it was for the public benefit that the matters charged should be published.

‡ The object of the convention of Reichenbach, concluded in July 1790, by the ambassadors of England, Holland, Poland, Prussia, and Austria, was the restoration of peace between the Austrian and Turkish Empires.

Oczakow, situate at the mouth of the Dniester, on the Black Sea, was not merely a harbour for the Turkish vessels of war, but the sole place of strength between the adjacent frontier and Constantinople, from which it is separated by only one hundred and ninety miles of unarmed and defenceless country. With the view of obtaining the restoration of this place, and the country between the Bog and Dniester to the Porte, Mr. Fawkener was despatched by the British Court to St. Petersburgh ; but a firm determination being shown by the Empress to resist the demands made by England, Mr. Pitt delivered a message from the King to the House of Commons, on the 28th of March, 1791, stating that the endeavours which had been used, in conjunction with his allies, to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, and the consequences which might arise from the continuance of the war being highly important to the interests of himself and his allies, and to those of Europe in general, he judged it requisite, in order to add weight to his representations, to augment his naval force, relying on the zeal and affection of the House of Commons to make good such expenses as might be incurred by these preparations, for the purpose of supporting the interests of his kingdom, and of contributing to the restoration of general tranquillity, on a secure and lasting foundation. To the address on this message an amendment was moved by Mr. Coke, of Norfolk, omitting the greater part of the address, and deprecating measures which tended to involve this country in hostilities, upon grounds so little understood and so ill explained. Several other motions condemnatory of the armament were proposed in the course of the same session, but they were all rejected by considerable majorities.

Mr. Pitt finding that the hostile interference of this country between Russia and the Porte was by no means approved of by the nation at large, thought it expedient to abandon it ; and he directed the British envoy to withdraw all further opposition to the demand of the Empress. The negotiation then proceeded without material difficulty ; and a treaty of peace between Russia and the Porte was signed on the 11th of August, 1791, by which the Turks ceded to the Russians the fortress of Oczakow, and all the country lying between the Bog and the Dniester.

1792. On the 6th of February, shortly after the meeting of Parliament, Mr. Pitt laid before the House of Commons such of the documents relative to the apprehended rupture with Russia, as he thought necessary to explain the whole transaction ; and, on the 20th of February, a motion by Mr. Grey, for the production of further papers, was objected to by Mr. Pitt, and lost.

March 1. On the 29th of February, Mr. Whitbread moved, " That no arrangement respecting Oczakow and its district appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain, between Russia and the Porte." In the course of a long and able speech, he reprobated, in terms of indignation, the temerity of Ministers in lavishing the money of the nation, with such profusion, for an object wherein neither equity nor policy could justify their interference. Much had been said on their part to exasperate the nation against Russia; its inimical conduct towards this country during the American war had been recalled to notice, and placed in the most odious point of view: but in the transaction alluded to it was well known that Russia was only one among many. The late King of Prussia, the celebrated Frederick, was the original contriver of the measure, so injurious to this country, that went under the name of the Armed Neutrality; but the enmity of that prince to Great Britain seemed now utterly forgotten. From the papers communicated by Ministers it was plain that the Turks were the aggressors in the present war between them and Russia: they demanded the restoration of the Crimea, fairly won from them by open war, and ceded to Russia by a regular treaty in 1784: they attempted, by force of arms, to recover it. This surely was aggression. From the first paper on the table, dated December, 1789, it appeared that the Empress had requested the interference of Great Britain to effect a peace, upon the terms of extending her frontier to the Dniester, and erecting the provinces of Moldavia, Bessarabia, and Wallachia, into an independent principality, under a Christian prince. These terms were refused by the Court of London, and the Empress was told that no attention would be paid to any terms not resting upon the basis of a *status quo.* It was, he said, the most self-evident of all propositions, that no arrangement affecting Oczakow could in any way affect the political or commercial interests of Great Britain. We exported nothing thither; we imported nothing from it: the ostensible cause of the dispute, therefore, could not be the real one. There was ground to believe the existence of a secret negotiation, by which Prussia flattered herself with the hope of obtaining Dantzic and Thorn as a compensation for permitting the Empress of Russia to retain possession of Oczakow. The motion was seconded by Colonel Macleod, and supported by Mr. Grey, Mr. St. John, Mr. Windham, Mr. Sheridan, Mr. Fox, Mr. Martin, Mr. Francis, and Mr. Powys. It was opposed in a maiden speech by Mr. Jenkinson, (late Earl of Liverpool), Mr. Stanley, Sir James Murray, Mr. Grant, Mr. Dundas, and Mr. Pitt.

When the debate had proceeded to a late hour in the night, Mr. Sheridan expressed his astonishment at the contemptuous silence of the Minister, that consistency of insult, that climax of haughtiness, with which he had treated the House, and now refused to answer on the day of his trial. He had formerly told them that when the day of discussion came, he would assign the reasons for his conduct. The day of discussion was come, and he was silent. If he thought himself sufficiently defended by those who had undertaken to plead his cause, he was much deceived; for he had involved himself in such a labyrinth of difficulties, as had not a path that did not lead to disgrace. If he had any defence to make, it was a secret locked up in his own breast, neither communicated to his friends nor imparted to his colleagues. Every succeeding defender confuted the defender that had gone before him. Mr. Dundas said, the honourable gentleman had, in very harsh language, accused his right honourable friend of not having thought it necessary as yet to rise, and say anything in reply to the observations that had been thrown out. He would give him a very explicit answer; if he wished that his right honourable friend should have risen, the right honourable gentleman opposite (Mr. Fox) should have come forward, and have given his friend to know the full amount of the charges that lay against him, in order that he might have entered fairly and fully into his defence.

Mr. Fox said, " there was something extraordinary in the manner in which the right honourable gentleman had so pointedly called upon him to state his sentiments. Although one member of Parliament had no right whatever to impose such a task on another, yet after the right honourable gentleman had called on him in so new a manner, he had made it impossible for him not to deliver his opinion upon the subject; before he did so, however, he submitted it to the House as a matter for their consideration, whether at that extremely late hour they would wish him to proceed, or whether it might not be generally deemed more convenient to adjourn the debate? He was perfectly ready to go on then, if the House thought proper."

After a short conversation, the debate was adjourned to the following day; when, after Mr. Martin and Mr. Francis had spoken in support of the motion,

Mr. Fox rose and said:—" After the challenge, Sir, which was thrown out to me in the speech of a right honourable gentleman last night, I did consider it my duty to trouble you somewhat at length on this important question. But before I enter into the consideration of it, I will explain why I did not obey a call made in the beginning of the day, and repeated several times, in a manner not very consistent either with the freedom of debate, or with the order which the right honourable gentleman has himself prescribed for the discussion of this day. Why any member should think himself entitled to call on an individual in that way, I know not; but why I did not yield to the call is obvious. It was said by an honourable gentleman last night to be the wish of the right honourable the Chancellor of the Exchequer to hear all that could be urged on the subject, before he should rise to enter into his defence. If so, it certainly would not become me to prevent him from hearing any other gentleman who might be inclined to speak on the occasion; and as he particularly alluded to me, I thought it respectful to give way to gentlemen, that I might not interrupt the course which he has chosen for himself, as it seems he reserves himself till I have spoken. This call on me is, Sir, of a singular nature. A minister is accused of having rashly involved the country in a measure by which we have suffered disaster and disgrace; and when a motion of censure is made, he chooses to reserve himself, and speak after every one, that no means may be given to reply to his defence, to expose its fallacy, if fallacious, or to detect its misrepresentations, if he shall choose to misrepresent what may be said. If the right honourable gentleman be truly desirous of meeting the charges against him, and if he have confidence in his ability to vindicate his conduct, why not pursue the course which would be manly and open? Why not go into a committee, as was offered him by my honourable friend who made the motion, in which the forms of this House would have permitted members on each side to answer whatever was advanced by the other, and the subject would have received the most ample discussion? Instead of this honourable course, he is determined to take all advantages. He screens himself by a stratagem which no defendant in any process in this country could enjoy; since no man put upon his defence in any court of justice could so contrive as not only to prevent all reply to his defence, but all refutation of what he may assert—all explanation of what he may misrepresent.

"Such, Sir, are the advantages which the right honourable gentleman is determined to seize in this moment of his trial; and to confess the truth, never did man stand so much in need of every advantage! Never was there an occasion in which a Minister was exhibited to this House in circumstances so ungracious, as those under which he stands before it at the present moment! For what is our precise situation? In the course of the last session, we had no fewer than four debates upon the question of the armament in which the right honourable gentleman involved this country, without condescending to explain the object which he had in view. The minority of this House stood forth against the monstrous measure of involving the country without unfolding the reason. The Minister proudly and obstinately refused, and called on the majority to support him. We gave our opinion at large on the subject, and with effect, as it turned out, on the public mind. On that of the right honourable gentleman, however, we were not successful; for what was his conduct? He replied to us, 'I hear what you say. I could answer all your charges; but I know my duty to my King too well to expose at this moment the secrets of the State, and to lay the reasons before you of the measure on which I demand your confidence. I choose rather to lie for a time under all the imputations which may be heaped upon me, trusting to the explanations which will come at last.' Such was explicitly his language. However I might differ from the right honourable gentleman in opinion, I felt for his situation. There was in this excuse some shadow of a reason on which it might be possible to defend him, when the whole of his conduct came to be inquired into. I thought it hard to goad him when, perhaps, he considered it as unsafe to expose what he was doing. But when the conclusion of the negotiation had loosened him from his fetters, when he had cast off the trammels that bound him, I thought that, like the horse described by Homer (if I remembered I would quote the lines), exulting in the fresh pastures after he had freed himself from the bridle, the right honourable gentleman would have been eager to meet us with every sort of explanation. I thought that, restrained by no delicacy, and panting only for the moment that was to restore to him the means of laying open every part of his conduct that was mysterious, of clearing up that which had been reprobated, of repelling on the heads of his adversaries those very accusations with which they had loaded him, the right honourable gentleman would have had but one wish—that of coming forward in a bold and manly manner, and endeavouring to make his cause good against us, in the face of the world. Has he done so? Has he even given us the means of inquiring fully and fairly into his conduct? No such thing. He lays before us a set of papers, sufficient, indeed, as I shall contend, to found a strong charge of misconduct against him, but evidently mutilated, garbled, and imperfect, with a view of precluding that full inquiry which his conduct demands, and which we had every reason to expect he would not have shrunk from on this day. We call for more. They are denied us. Why? 'Because,' say the gentlemen on the other side, 'unless the papers now before you show there is ground for accusation, and unless you agree to accuse, it is not safe or proper to grant you more.' But is this a defence for the right honourable gentleman? Do these papers exculpate him? Directly the reverse. *Prima facie* they condemn him. They afford us, in the first instance, the proof of disappointment. They show us that we have not obtained what we aimed to obtain, and they give us no justification of the right honourable gentleman for having so disappointed us.

"Much ingenuity has been displayed in maintaining that there was no guilt. But how fallacious is this argument! When we called for papers during the Spanish negotiation, we were answered, 'The negotiation is pending, and it would be unsafe to grant them.' Very well. But when it is over, and the same reasons for withholding them cannot be said to exist, we are told, 'Look to the result—the nation is satisfied with what we have got, and you must lay a ground of criminality before we can admit your principle of calling for papers.' Thus are we precluded from all inquiry into that business. But now the right honourable gentleman, conscious that the country feels somewhat differently, admits the ground of criminality to have been laid by producing those documents on your table, imperfect as they are. It is from his own confession, therefore, that I am to pronounce him guilty, until he proves himself not so; and it is enough for me to contend, that the papers now before us afford him, *prima facie*, no justification; but that they are, on the contrary, strong proof of his guilt, inasmuch as they evince that there has been a complete failure in the object the right honourable gentleman aimed at obtaining. Sir, the right honourable gentleman is sensible how much these circumstances render it necessary for him to take every possible advantage his situation can give him; instead, therefore, of showing himself anxious to come forward, or thinking it his duty to explain why it was inconvenient or impolitic for him to state last year the true grounds on which he had called upon us to arm, what was the object of that armament, and why he had abandoned it, he lays a few papers on the table, and contents himself with an appeal unheard of before:—'If you have anything to say against me, speak out, speak all—I will not say a word till you have done—let me hear you one after another—I will have all the advantage of the game—none of you shall come behind me—for as soon as you have all thrown forth what you have to say, I will make a speech which you shall not have an opportunity to contradict, and I will throw myself on my majority, and that makes you dumb for ever.' Such is the situation in which we stand, and such the course which the right honourable gentleman thinks it honourable to pursue! I cheerfully yield to him the ground he chooses to occupy, and submit to the call addressed personally to myself (although, perhaps, not in a manner very decorous) of stating to the House what I have to offer before the right honourable gentleman will open his lips.

" Having made these preliminary observations on the manner in which this business has been conducted, I will proceed frankly to state the reasons upon which I found the vote of censure, in which I shall this night agree. Much argument has been used on topics not unfit, indeed, to be mixed with this question, but not necessary—topics which undoubtedly may be incidentally taken up, but which are not essential to the discussion. In this class I rank what has been said upon the balance of power in Europe. Whether the insulated state of policy which disdained all continental connexion whatever, as adopted at the beginning of the present reign—whether the system of extensive foreign connexion, so eagerly insisted on by a young gentleman* who spoke yesterday for the first time—or whether, as I am inclined to suspect is the true and wise course, the medium between these two, be our interest, are certainly very proper topics to be discussed, but as certainly not essential to this question. Of the three, I certainly think the middle line the true course for this country to pursue. I am of opinion that, in our situation, every continental connexion is to be determined by its own merits. I am one of those who think that a total inattention to foreign connexions might be, as it has proved, very injurious to this country. But, if I am driven to choose between the two extremes—between that of standing insulated and aloof from all foreign connexion and trusting for defence to our own resources, and that system as laid down in the speech of an honourable gentleman who distinguished himself so much last night, to the extent to which he pressed it, I do not hesitate to declare that my opinion is for the first of those situations. I should prefer even total disunion to that sort of connexion, to preserve which we should be obliged to risk the blood and treasure of this country in every quarrel and every change that ambition or accident might bring about in any part of the continent of Europe.

" But, Sir, in the question before us, I deny that I am driven to either of these extremes. The honourable gentleman, who spoke with all the ingenuousness as well as animation of youth, seemed himself to dread the extent to which his own doctrines would lead him: he failed, therefore, to sustain the policy of the system he described in that part where alone it can apply, namely, to the degree in which it is necessary for us to support a balance of power. Holland, for instance, he states to be our natural ally. Granted. 'To preserve Holland, and that she may not fall into the arms of France, we must make an alliance with Prussia.' Good. But Prussia may be attacked by Austria. Then we must make an alliance with the Ottoman Porte, that they may fall on Austria. Well, but the Porte may be attacked by Russia; then we must make an alliance with Sweden, that she may fall on Russia. His natural ingenuity pointed out to him that, in casting up the account of all this, it did not produce a favourable balance for England, and he evaded the consequence of his own principle, by saying that, perhaps, Russia would not attack the Porte; for when we speculate on extreme cases, said the honourable gentleman, we have a right to make allowances: it is fair to expect that when we are in alliance with the Porte, Russia will feel too sensibly the importance of the commercial advantages she enjoys by her intercourse with this country, to risk the loss of them by an attack on the Porte. Are we, then, to suppose that, in that scene of universal contest and warfare, this ambitious power, that is perpetually and systematically, as it has been charged upon her, aiming at the destruction of the Porte, and while the rest of Europe has been at peace, has been in a state of restless and unceasing hostility with her, will be the only power at peace, and will let slip so favourable an opportunity of destroying her old enemy, simply because she is afraid of losing her trade with you in the Baltic? If the honourable gentleman means to state this as a rational conjecture, I would ask him to look to the fact. Did her sense of these advantages restrain her in the late war, or compel her to desist from the demands she made before we began to arm? Certainly not. We find from the documents before us that she adhered to one uniform, steady course, from which neither the apprehension of commercial loss, nor the terror of our arms, influenced her one moment to recede. What, then, are we to conclude from this intricate system of balances and counterbalances, and those dangerous theories with which the honourable gentleman seemed to amuse himself? Why, that these are speculations too remote from our policy; that in some parts, even according to the honourable gentleman's argument, they may be defective after all; and, consequently, that if the system he builds upon fails in one of its possibilities, it fails in the whole of them. Such must ever be the fate of systems so nicely constructed.

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* Mr. Jenkinson, afterwards Earl of Liverpool.

"But it is not true that the system necessary to enable this country to derive the true benefit from the Dutch alliance, ought to be founded upon those involved and mysterious politics which make it incumbent upon us, nay, which prove its perfection by compelling us to stand forward the principals in every quarrel, the Quixotes of every enterprise, the agitators in every plot, intrigue, and disturbance, which are every day arising in Europe, to embroil one state of it with another. I confess that my opinions fall infinitely short of these perilous extremes; that possibly my genius is too scanty, and my understanding too limited and feeble, for the contemplation of their consequences; and that I can speculate no farther than on connexions immediately necessary to preserve us safe and prosperous from the power of our open enemies and the encroachment of our competitors. This, however, I hold to be the only test by which the merits of an alliance can be tried, and I should esteem an alliance either valuable or useless in proportion to its strict adherence to this principle. I did think, for instance, when the intrigues of France threatened to deprive us of our efficient ally, Holland, that it was wise to interfere, and afterwards to form an alliance by which that evil might be prevented. But every step beyond the alliance we then formed, every link in the chain of confederacies so largely expatiated upon by gentlemen on the other side, brings us more and more remote from its true principle ; the broad and clear lines of your policy become narrow and less distinct, until they are carried at last to an extremity of Europe where every trace of them is lost.

"Other topics have been introduced into the present discussion. The beginning of the war between Russia and the Porte has been referred to. What possible connexion that has with our armament, I know not; but of that I shall have occasion to speak by and by. I come, however, Sir, to a question more immediately before us, and that is, the value and importance annexed in the minds of his Majesty's Ministers to the fortress of Oczakow; and here I must beg leave to say that they have not once attempted to answer the arguments so judiciously and ably enforced by my honourable friend who made this motion. It was explicitly stated by the gentlemen on the other side as the only argument for our interference at all, that the balance of power in Europe was threatened with great danger if Oczakow was suffered to remain in the hands of Russia. Of no less importance did ministers last year state this fortress of Oczakow, than if it were indeed the talisman on which depended the fate of the whole Ottoman empire. But if this, from their own admission, was true last year, what has happened to alter its value? If it then excited the alarms of his Majesty's Ministers for the safety of Europe, what can enable them now to tell us that we are perfectly secure? If it was true that her bare possession of Oczakow would be so dangerous, what must be the terror of Europe when they saw our negotiators put Russia into the way of seizing even on Constantinople itself? This was the strong argument of my honourable friend (Mr. Whitbread), and which he maintained with such solid reasoning, that a shadow of an answer has not been given to it. To illustrate the value of Oczakow, however, one honourable gentleman (Mr. Grant) went back to the reign of Elizabeth ; nay, to the days of Philip and Demosthenes. He told us that when Demosthenes, urging the Athenians to make war on Philip, reproached them with inattention to a few towns he had taken, the names of which they scarcely knew, telling them that those towns were the keys by which he would in time invade and overcome Greece, he gave them a salutary warning of the danger that impended. But if the opponents of that great orator had prevailed, if they had succeeded in inducing their countrymen to acquiesce in the surrender not only of those towns, but of considerably more, as in the present instance, with what face would he afterwards have declared to his countrymen, 'True it was that these sorry and nameless towns were the keys to Amphipolis itself, but you have surrendered them; and what is the consequence? You are now in a state of the most perfect security; you have now nothing to fear; you have now the prospect of sixteen years of peace before you!' I ask, Sir, what would have been the reception even of Demosthenes himself if he had undertaken to support such an inconsistency?

"Let us try this, however, the other way. In order to show that his Majesty's Ministers merit the censure which is proposed, I will admit that the preservation of the Turks is necessary for the security of a balance of power. I trust, at the same time, that this admission, which I make merely for the argument, will not be disingenuously quoted against me, as hypothetical statements too commonly are, for admissions of fact. What will the right honourable gentleman gain by it? The Turks, by his arrangement, are left in a worse situation than he found them; for, previous to his interference, if Russia had gone to Constantinople he would have been unfettered by the stipulations which bind him now, and he and his ally might have interfered to save the Porte from total destruction. Now, however, the possible and total extirpation of the Ottoman power is made to depend on a point so precarious, as their accepting the proposal which the right honourable gentleman thought fit to agree to for them within the space of four months. And what is this proposal? Why, that the Turks should give up, not only the object of the war they had begun, but this very Oczakow, which of itself was sufficient, in the hands of Russia, to overturn the balance. If, therefore, it was so important to recover Oczakow, it is not recovered, and ministers ought to be censured. If unimportant, they ought never to have demanded it. If so unimportant they ought to be censured for arming; but if so important as they have stated it, they ought to be censured for disarming without having gained it. Either way, therefore, the argument comes to the same point, and I care not on which side the gentlemen choose to take it up; for whether Oczakow be, as they told us last year, the key to Constantinople, on the preservation of which to Turkey the balance of Europe depended, or, as they must tell us now, of no comparative importance, their conduct is equally to be condemned for disarming and pusillanimously yielding up the object in the first instance; for committing the dignity of their sovereign and hazarding the peace of their country in the second.

"But they tell us, 'It is unfair to involve us in this dilemma—there was a middle course to be adopted. Oczakow was certainly of much importance; but this importance was to be determined upon by circumstances.' Sir, we are become nice, indeed, in our political arithmetic. In this calculating age, we ascertain to a scruple what an object is really worth. Thus it seems that Oczakow was worth an armament, but not worth a war; it was worth a threat, but not worth carrying that threat into execution. Sir, I can conceive nothing so degrading and dishonourable as an argument such as this. To hold out a menace, without ever seriously meaning to enforce it, constitutes, in common language, the true description of a bully; applied to the transactions of a nation, the disgrace is deeper, and the consequences fatal to its honour. Yet such is the precise conduct the King's Ministers have made the nation to hold in the eyes of Europe, and which they defend by an argument which, if urged in private life, would stamp a man with the character of a coward and a bully, and sink him to the deepest abyss of infamy and degradation. Sure I am that this distinction never suggested itself to the reflection of a noble duke,* whose conduct throughout the whole of this business has evinced the manly candour of his mind, unaccustomed to such calculations. From him we learn the fact. He said, in his place, that his colleagues thought it fit to risk a threat to recover Oczakow, but would not risk a war for it. Such conduct was not for him! It might suit the characters of his colleagues in office; it could not suit his. But they say, it might be worth a war with the public opinion, but worth nothing without it. I cannot conceive any case in which a great and wise nation, having committed itself by a menace, can withdraw that menace without disgrace. The converse of the proposition I can easily conceive—that there may be a case, for instance, not fit to be asked at all, but which being asked for, and with a menace, it is fit to insist upon. This undoubtedly goes to make a nation, like an individual, cautious of committing itself, because there is no ground so tender as that of honour. How do Ministers think on this subject? Oczakow was everything by itself; but when they added to Oczakow the honour of England, it became nothing. Oczakow, by itself, threatened the balance of power in Europe. Oczakow and honour weighed nothing in the scale. Honour is in their political arithmetic a minus quantity to be subtracted from the value of Oczakow. Sir, I am ashamed to state this reasoning; nor can I reflect on the foul stain it has fixed on the English name without feeling mortified and humbled indeed. Their late colleague, the noble duke, urged his sentiments with the feelings that became him; feelings that form a striking contrast to those that actuate the right honourable gentleman. He told his country, that when he had made up his mind to the necessity of demanding Oczakow, it was his opinion that it might have been obtained without a war; but having once demanded it, he felt it his duty not to shrink from the war that might ensue from the rejection of that demand, and preferred the resignation of his office to the retracting that opinion.

"His Majesty's Ministers tell us, however, and seem to value themselves much upon it, that in abandoning the object for which they had armed, they acted in conformity to public opinion. Sir, I will state fairly my sentiments on this subject too. It certainly is right and prudent to consult the public opinion; it is frequently wise to attend even to public prejudices, on subjects of such infinite importance as whether they are to have war or peace. But if, in the capacity of a servant of the Crown, I were to see, or strongly to imagine that I saw, any measures going forward that threatened the peace or prosperity of the country, and if the emergency were so pressing as to demand the sudden adoption of a decisive course to avert the mischief, I should not hesitate one moment to act upon my own opinion. If the public opinion did not happen to square with mine—if, after pointing out to them the danger, they did not see it in the same light with me, or if they conceived that another remedy was preferable to mine—I should consider it as due to my king, due to my country, due to my own honour, to retire, that they might pursue the plan which they thought better by a fit instrument, that is, by a man who thought with them. Such would be my conduct on any subject where conscientiously I could not surrender my opinion. If the case were doubtful, or the emergency not so pressing, I should be ready, perhaps, to surrender my opinion to that of the public; but one thing is most clear in such an event as this, namely, that I ought to give the public the means of forming an opinion. Do I state this difference fairly? If I do, and if the gentlemen over against me will admit that in the instance before us the public opinion ought to have influenced them, it follows, that the public opinion ought to have been consulted before we were committed in the eyes of Europe, and that the country ought to have had the information necessary to form their judgment upon the true merits of this question. Did the King's Ministers act thus? Did they either take the public opinion, or give us the means of forming one? Nothing like it. On the 28th of March* the message was brought down to this House. On the 29th, we passed a vote of approbation, but no opinion was asked from us, no explanation was given us; so far from it, we were expressly told, our advice was not wanted—that we had nothing to do with the prerogative of the Crown to make war—that all our business was to give confidence. So far with regard to this House; and I cannot help thinking this conduct somewhat hard upon the majority, who certainly might have counted for something in the general opinion, when the right honourable gentleman was collecting it, if he meant fairly so to do. I grant, indeed, that there are many ways by which the feeling and temper of the public may be tolerably well known out of this House, as well as in it. I grant that the opinion of a respectable meeting at Manchester, of a meeting at Norwich, of a meeting at Wakefield, of public bodies of men in different parts of England, might give the right honourable gentleman a correct idea of the public opinion. Permit me to say too, that in the speeches of the minority of this House, he might find also the ground of public opinion—both what might give it rise, and what might give it countenance. But was the majority of this House the only body whose opinions were not worth consulting? 'I travelled to Norwich, to York, Manchester, Wakefield, for opinions,' will the right honourable gentleman say? 'I listened to the minority—I looked to Lord Stormont, to the Earl of Guildford; but as to you, my trusty majority,

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* The Duke of Leeds, late Secretary for Foreign Affairs.

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* 1791.

I did not look to you. I had other business for you. It is not your office to give opinions—your business is to confide. You must pledge yourselves, in the first instance, to all I can ask from you, and perhaps some time in the next year I may condescend to let you know the grounds on which you are acting.' Such is the language he holds to us, if his conduct were to be explained by words: and a conduct more indecent or preposterous is not easily to be conceived. For it is neither more nor less than to tell us:—'When I thought the Ottoman power in danger, I asked for an armament to succour it. You approved and granted it to me. The public sense was against me, and, without minding you, I yielded to that sense. My opinion, however, remains still the same, though it must be confessed, that I led you into giving a sanction to my schemes by a species of reasoning which it appears the country has saved itself by resisting. But they were to blame. I yet think that the exact contrary of what was done ought to have been done; and that the peace and safety of Europe depended upon it. But never mind how you voted, or how directly opposite to the general opinion, with which I complied, was that opinion I persuaded you to support. Vote now that I was right in both—in the opinion I still maintain, and in my compliance with its opposite. The peace of Europe is safe; I keep my place, and all is right again.'

"But after all, the right honourable gentleman did not act from any deference to the public opinion; and to prove this, I have but to recall to your recollection dates. The message was brought down, as I said before, on the 28th of March; and in less than a week, I believe in four days, afterwards, before it was possible to collect the opinion of any one public body of men, their whole system was reversed. The change, therefore, could not come from the country, even had they been desirous of consulting it. But I have proved that they were not desirous to have any opinion from any quarter: they came down with their purposes masked and veiled to this House, and tried all they could to preclude inquiry into what they were doing. These are not the steps of men desirous of acting by opinion. I hold it, however, to be now acknowledged, that it was not the public opinion, but that of the minority in this House, which compelled the Ministers to relinquish their ill-advised projects; for a right honourable gentleman, who spoke last night (Mr. Dundas), owned the truth, in his own frank way. 'We certainly,' said he, 'do not know that the opinion of the public was against us; we only know that a great party in this House was against us, and therefore we apprehended that, though one campaign might have been got through, at the beginning of the next session they would have interrupted us in procuring the supplies.' I believe I quote the right honourable gentleman correctly; and here, Sir, let me pause, and thank him for the praise which he gives the gentlemen on this side of the House. Let me indulge the satisfaction of reflecting, that though we have not the emoluments of office, nor the patronage of power, yet we are not excluded from great influence on the measures of Government. We take pride to ourselves, that at this moment we are not sitting in a committee of supply, voting enormous fleets and armies to carry into execution this calamitous measure. To us he honestly declares this credit to be due; and the country will, no doubt, feel the gratitude they owe us, for having saved them from the miseries of war. An honourable gentleman, indeed (Mr. Jenkinson), has told us, that our opposition to this measure in its commencement occasioned its having been abandoned by the Ministers; but he will not allow us the merit of having saved the country from a war by our interposition, but charges us with having prevented their obtaining the terms demanded, which would have been got without a war. I am glad to hear this argument; but must declare, in the name of the minority, that we think ourselves most unfairly treated by it, and forced into a responsibility that belongs in no manner whatever to our situation. The right honourable gentleman, when repeatedly pressed on this subject, during the last session, was uniform in affirming that he had reasons for his conduct, to his mind so cogent and unanswerable, that he was morally certain of the indispensable necessity of the measures he was pursuing. He has said the same since, and to this hour continues his first opinion. If, therefore, the right honourable gentleman thought so, and thought at the same time that our arguments were likely to mislead the country from its true interests, why did he continue silent? If public opinion was so necessary for him, that without it, as he tells us now, he could not proceed a single step, why did he suffer us to corrupt the passions, to blind and to pervert the understandings of the public to a degree that compelled his sacrifice of this essential measure? Why did he quietly, and without concern, watch the prevalence of our false arguments? Why did he sanction their progress, by never answering them, when he knew the consequence must necessarily be, to defeat his dearest object, and put the safety of his country to the hazard? Why did he not oppose some antidote to our poison? But having neglected to do this (because of his duty to preserve state secrets, as he would have us believe), what possible pretext has he to come forward now and accuse us of thwarting his views, or to cast the responsibility of his failure and disgrace upon us, whose arguments he never answered, and to whom he obstinately and invariably refused all sort of information, by which we might have been enabled to form a better judgment, and possibly to agree with him on this subject? The right honourable gentleman, however, (Mr. Dundas), judges more fairly of us; and I thank him for the handsome acknowledgment he has paid to the true character of the gentlemen on this side of the House; for by owning, that because we did not happen to approve of this armament it was abandoned, he owns another fact—that we are not what an honourable gentleman (Mr. Steele) chose to represent us, an indiscriminate faction, disapproving of everything, right or wrong. This is clearly manifest from his own admissions; for, giving up when they found we disapproved, they must have begun in the idea that we should approve. We approved in the case of Holland, and in the case of Spain. In the first case, we did so because the rectitude of the thing was so clear that every well-wisher to England must approve it. We did so in the case of Spain, because the objects were explained to us—the result given, and the reparation demanded, were both before us. But had the right honourable gentleman any right, because we agreed to the Dutch and Spanish armaments, to anticipate the consent of the Opposition to this? It was insulting to impute the possibility to us! What! agree to take the money out of the pockets of the people, without an insult explained or an object held up! It is said, the object was stated, and that the means only were left to conjecture. That the object proposed to the House was an armament to make a peace, and Oczakow was supposed to be the means by which that peace was to be effected. Sir, it is almost constantly my misfortune to be differing from the right honourable gentleman as to the import of the words 'object' and 'means.' In my way of using these words, I should have directly transposed them, and called the armament the means of effecting peace, and Oczakow the object of that armament. And the event proves that Ministers thought as I do; for they gave up that object, because they knew they could get the end they proposed by their armament without it. This object, indeed, whatever was its importance—whether it was or was not, as we have alternately heard it asserted and denied, the key of Constantinople, nay, as some wild and fanciful people had almost persuaded themselves, the key to our possessions in the East Indies—the King's Ministers have completely renounced; and seem by their conduct to have cared very little what became of that, or of Constantinople itself. The balance of power in Europe, however, is perfectly safe, they tell us; and on that point we have nothing more to apprehend. The enormous accession of power to Russia from the possession of Oczakow, so far from affecting Great Britain, is not likely, according to what the Ministers assure us, to disturb the tranquillity of her nearest neighbours. I must here remind an honourable gentleman who spoke so much on the balance of power in Europe (Mr. Jenkinson), that he did not seem to pay sufficient attention to Poland, as if that country, now become in some degree able to act for itself, from the change in its constitution, was of no moment, or incapable of having an influence in any manner upon his system of treaties and attacks. That Oczakow, therefore, was at any time an object sufficient to justify their interference, I have stated many reasons for concluding will not be alleged this night. Some of the gentlemen on the other side, indeed, have advanced other grounds, and told us (I confess it is for the first time), that in this war the Empress of Russia was the aggressor—that on her part the war was offensive—and that it became us to interfere to stop her progress. They tell us of various encroachments in the Cuban, of hostilities systematically carried on in violation of treaties, and many other instances; not one of which they have attempted to prove by a single document, or have rested on any other foundation than their own assertions. But to these, Sir, I shall oppose the authority of ministers themselves; for, in one of the despatches of the Duke of Leeds to

Mr. Whitworth, he desires him to communicate to the Court of Petersburgh, that if they will consent to make peace with the Turks on the *status quo*, the allies will consent to guarantee the Crimea to them, 'the object of the war,' as he states it to be. I desire no farther proof than this, that we always considered the Turks as the aggressors; for it follows that where any place, in the possession of one power, is made the object of a war by another, the power claiming that object is the aggressor. If, for example, we were at war with Spain, and Gibraltar the object, Spain of course would be the aggressor: the contrary, if the Havannah were the object. The King of England, therefore, by the despatch which I have quoted, has, in words and in fact, acknowledged the Turks to have been the aggressors in this war, by making pretensions to a province solemnly ceded to Russia in the year 1783. I can scarcely think that Ministers mean to contend that cession by treaty does not give right to possession. Where are we to look, therefore, to ascertain the right of a country to any place or territory but to the last treaty? To what would the opposite doctrine lead? France might claim Canada, ceded in 1763,* or we Tobago, ceded in 1783.† It might be urged that they took advantage of our dispute with our own colonies, and that the treaty gave no right. Canada, Jamaica, everything might be questioned. Where would be the peace of Europe if these doctrines were to be acted on? Every country must continue in a state of endless perplexity, armament, and preparation. But, happily for mankind, a different principle prevails in the law of nations; there the last treaty gives the right, and upon that we must aver that if, as the despatch says, the Crimea was the object, the Turk was the aggressor. What, therefore, was the right claimed by the right honourable gentleman to enter into this dispute? I will answer, the right of a proud man anxious to play a lofty part. France had gone off the stage; the character of the miserable disturber of empires was vacant; and he resolved to boast and vapour, and play his antic tricks and gestures on the same theatre. And what have been the first effects of this new experiment upon the policy and character of the British nation? That in the pride of our power we have miserably disgraced ourselves in the eyes of Europe; that the name of his Majesty has been sported with and stained; that the people of England have been inflamed, their commerce disturbed, the most valuable citizens dragged from their houses, and half a million of money added to the public burdens! And here, Sir, in justice to my own feelings, I cannot pass over wholly in silence the fate of that valuable body of our fellow-citizens, who are more particularly the victims of these false alarms, and by whom the most bitter portion of the common calamity must be borne. I am compelled to admit that every state has a right, in the season of danger, to claim the services of all, or any of its members; that the '*salus populi, suprema lex est.*' Tenderness and consideration in the use of such extensive powers is all I can recommend to those whose business it is to call them into action. But here I must lament, in common with every feeling mind, that unnecessary barbarity which dragged them from their homes, deprived them of their liberty, and tore them from the industrious exercise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext, because without the smallest intention of employing them. The gentlemen well know what I state to be a fact; for they know that their system was changed, and their object abandoned, before even they had begun to issue press-warrants.

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* *Vide ante*, p. 100.

† In 1793 the English captured Tobago, and it has ever since been in their possession.

"I return, Sir, to the disagreeable condition in which the right honourable gentleman has involved us. Let us see whether what I have said on this point be not literally true. The Empress of Russia offered, early in the year 1790, to depart from the terms she had at first thrown out, namely, that Bessarabia, Wallachia, and Moldavia, should be independent of the Ottoman power. This, it appears, she yielded upon the amicable representations of the allied powers, and substituted in the room of them those conditions which have since been conceded to her, namely, that the Dniester should be the boundary between the two empires, and all former treaties should be confirmed. 'Then,' say Ministers, 'if we gained this by simple negotiation what may we not gain by an armament?' Thus judging of her pusillanimity by their own, they threatened her. What did she do? Peremptorily refused to depart one atom from her last conditions; and these, I assert, were in the possession of his Majesty's Ministers long before the armament: they knew not only this early in the month of March, but likewise the resolution of the Empress not to rise in her demands, notwithstanding any farther success that might attend her arms. The memorial of the Court of Denmark, which they have, for reasons best known to themselves, refused us, but which was circulated in every Court, and published in every newspaper in Europe, fully informed them of these matters. But the King's Ministers, with an absurdity of which there is no example, called upon the country to arm. Why? Not because they meant to employ the armament against her, but in the fanciful hope that because, in an amicable negotiation, the Empress had been prevailed upon not to press the demand of Wallachia, Moldavia, and Bessarabia, as independent sovereignties, they should infallibly succeed by arming, and not employing that armament, in persuading her to abandon all the rest! And what is the end? Why, that after pledging the King's name in the most deliberate and solemn manner; after lofty vapouring, menacing, promising, denying, turning, and turning again; after keeping up the parade of an armament for four months, accompanied with those severe measures, to be regretted even when necessary, to be reprobated when not, the right honourable gentleman crouches humbly at her feet; entreats, submissively supplicates of her moderation, that she will grant him some small trifle of what he asks, if it is but by way of a boon; and finding at last that he can get nothing either by his threats or his prayers, gives up the whole precisely as she had insisted upon having it!

"The right honourable gentleman, however, is determined that this House shall take the whole of this disgrace upon itself. I heard him with much delight, on a former day, quote largely from that excellent philosophical work, 'The Wealth of Nations.' In almost the first page of that book he will find it laid down as a principle, that by a division of labour in the different occupations of life, the objects to which it is applied are perfected; time is saved, dexterity improved, and the general stock of science augmented: that by joint effort and reciprocal accommodation the severest tasks are accomplished and difficulties surmounted, too stubborn for the labour of a single hand. Thus, in the building of a great palace, we observe the work to be parcelled out into different departments, and distributed and subdivided into various degrees, some higher, some lower, to suit the capacities and condition of those who are employed in its construction. There is the architect who invents the plan and erects the stately columns; there is the dustman and the nightman to clear away the rubbish. The right honourable gentleman applies these principles to his politics, and in the division and cast of parts for the job we are now to execute for him, has reserved for himself the higher and more respectable share of the business, and leaves all the dirty work to us. Is he asked, why the House of Commons made the armament last year? He answers, 'The House of Commons did not make the armament! I made it. The House of Commons only approved it.' Is he asked why he gave up the object of the armament after he had made it? 'I did not give it up!' he exclaims: 'I think the same of its necessity as ever: it was the House of Commons that gave it up: it was this House that supported the nation in their senseless clamour against my measures: it is to this House that you must look for the shame and guilt of your disgrace.' To himself he takes the more conspicuous character of menacer. It is he that distributes provinces and limits empires; while he leaves to this House the humbler office of licking the dust and begging forgiveness:

> 'Not mine these groans—
> These sighs that issue, or these tears that flow.'

'I am forced into these submissions by a low, contracted, grovelling, mean-spirited, and ignorant people!' But this is not all. It rarely happens that in begging pardon, when men determine upon that course, they have not some benefit in view, or that the profit to be got is not meant to counterbalance, in some measure, the honour to be sacrificed. Let us see how the right honourable gentleman managed this. On the first indication of hostile measures against Russia, one hundred and thirty-five members of this House divided against the adoption of them. This it was, according to a right honourable gentleman who spoke in the debate yesterday, (Mr. Dundas), that induced Ministers to abandon their first object; but not like the Duke of Leeds, who candidly avowed that if he could have once brought himself to give up the claim of Oczakow he would not have stood out for the razing its fortifications, or any such terms. The Ministers determine that the nation at least shall reap no benefit from the reversal of their system. 'You have resisted our projects,' say they; 'you have discovered and exposed our incapacity; you have made us the ridicule of Europe, and such we shall appear to posterity. You have defeated, indeed, our intentions of involving you in a war; but *you* shall not be the gainers by it! *you* shall not save your money! We abandon Oczakow, as you compel us to do; but we will keep up the armament, if it is only to spite you!'

"Determined to act this disgraceful part, their next care was to do it in the most disgraceful manner; and as they had dragged Parliament and their King through the dirt and mire, they resolved to exhibit them in this offensive plight to the eyes of Europe. To do this they did not care to trust to the Minister we had at Petersburgh; a gentleman distinguished for amiable manners, and a faithful, vigilant, and able discharge of his duty. Why was the management of the negotiation taken from him? Was he too proud for this service? No man should be too proud to do his duty; and of all our foreign Ministers, Mr. Whitworth I should think the very last to whom it could be reproached that he was remiss in fulfilling the directions he receives in their utmost strictness. But a new man was to be found; one whose reputation for talents and honour might operate, as they hoped, as a sort of set-off against the incapacity he was to cure, and the national honour he was deputed to surrender. Was it thus determined, because in looking round their diplomatic body there was no man to be selected from it whose character assimilated with the dirty job he was to execute? As there was honour to be sacrificed, a stain to be fixed upon the national character, engagements to be retracted, and a friend to be abandoned, did it never occur to them that there was one man upon their diplomatic list, who would have been pronounced by general acclamation thoroughly fitted in soul and qualities for this service? Such a person they might have found, and not so occupied as to make it inconvenient to employ him; they would have found him absent from his station, under the pretence of attending his duty in this House, though he does not choose often to make his appearance here. Instead of this, however, they increased the dishonour that they doomed us to suffer, by sending a gentleman endowed with every virtue and accomplishment, who had acquired, in the service of the Empress of Russia, at an early period of his life, a character for bravery and enterprise that rendered him personally esteemed by her, and in whom fine talents and elegant manners, ripened by habit and experience, had confirmed the flattering promise of his youth. Did they think that the shabbiness of their message was to be done away by the worth of the messenger? If I were to send a humiliating apology to any person, would it change its quality by being entrusted to Lord Rodney, Admiral Pigot, my honourable friend behind me (General Burgoyne), Lord Cornwallis, Sir Henry Clinton, Sir William Howe, or any other gallant and brave officer? Certainly not. It was my fortune, in very early life, to set out in habits of particular intimacy with Mr. Fawkener, and however circumstances may have intervened to suspend that intimacy, (circumstances arising from wide differences in political opinion), they never have altered the sentiments of private esteem which I have uniformly felt for him ; and with every amiable and conciliating quality that belongs to man, I know him to be one from whom improper submissions are the least to be expected.

" Well, Sir, these gentlemen, Mr. Whitworth and Mr. Fawkener, commence the negotiation by the offer of three distinct propositions, each of them better than the other, and accompany it with an expression somewhat remarkable, namely, that this negotiation is to be as unlike all the others as possible, and to be ' founded in perfect candour.' To prove this, they submit at once to the Russian Ministers ' all that their instructions enable them to propose.' Who would not have imagined, according to the plain import of these words, that unless the Empress had assented to one of these propositions, all amicable interposition would have been at an end, and war the issue ? The ' perfect candour' promised in the beginning of their note, leads them to declare explicitly that unless the fortifications of Oczakow are razed, or the Turks are allowed as an equivalent to keep both the banks of the Dniester, the allies cannot propose any terms to them. What answer do they receive ? An unequivocal rejection of every one of their propositions ; accompanied, however, with a declaration, to which I shall soon return, that the navigation of that river shall be free to all the world, and a reference to those maxims of policy which have invariably actuated the Empress of Russia in her intercourse with neutral nations, whose commerce she has at all times protected and encouraged. With this declaration the British Plenipotentiaries declare themselves perfectly contented : nay, more, they engage that if the Turks should refuse these conditions, and continue obstinate longer than four months, the allied Courts ' will abandon the termination of the war to the events it may produce.' And here ends for ever all care for the Ottoman Empire, all solicitude about the balance of power. The right honourable gentleman will interpose no farther to save either, but rests the whole of a measure, once so indispensable to our safety, upon this doubtful issue, whether the Turks will accept, in December, those very terms which, in July, the British Ministers could not venture to propose to them !

" Sir, we may look in vain to the events of former times for a disgrace parallel to that which we have suffered. Louis the Fourteenth, a monarch often named in our debates, and whose reign exhibits more than any other the extremes of prosperous and of adverse fortune, never, in the midst of his most humiliating distresses, stooped to so despicable a sacrifice of all that can be dear to man. The War of the Succession,* unjustly begun by him, had reduced his power, had swallowed up his armies and his navies, had desolated his provinces, had drained his treasures, and deluged the earth with the blood of the best and most faithful of his subjects. Exhausted by

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* The war of the Spanish succession occasioned considerable changes in the political state of Europe. Charles II., King of Spain, son of Philip IV., was without issue or brothers. The Dauphin was the son of his elder sister, Maria Theresa, and Louis XIV. ; but a solemn renunciation of Maria Theresa's claim to the throne of Spain had been exacted from herself and Louis on their marriage, and this renunciation had been confirmed by the Cortes. Margaret Theresa, the younger sister of Charles II., had married the Emperor Leopold I., and had left an only daughter, Maria Antoinette, wife of Maximilian, Elector of Bavaria, and mother of Joseph

Ferdinand, Electoral Prince of Bavaria. On her espousal with Maximilian, Maria Antoinette had been induced by her father to renounce her claim to the Spanish succession; but this renunciation was never ratified by the Cortes. By his third wife, Eleanor of Neuburgh, Leopold had two sons, the Archdukes Joseph and Charles; he destined the elder for the imperial throne and the States of Austria, and the younger for the Spanish monarchy. In the previous generation, Louis XIV. was the son of the eldest daughter of Philip III., King of Spain, and aunt of Charles II.; Leopold was the son of the second daughter. The three principal pretenders to the throne of Spain were: 1. The Dauphin of France; 2. Joseph Ferdinand, the Electoral Prince; and 3. the Emperor Leopold. Their different claims having excited apprehensions of a general war, an arrangement was concluded on the 11th of October, 1698, which bears the name of the First Partition Treaty, between Louis XIV., William III., and the United Provinces, for securing Spain, the Netherlands, and the colonial possessions, to the Prince of Bavaria; Naples and the Two Sicilies, with the rest of the Spanish dominions in Italy, and the Province of Guipuscoa, to the Dauphin; and the Duchy of Milan to the Archduke Charles, the Emperor Leopold's second son. The disclosure of this treaty excited strong indignation at Madrid, and Charles resolved to nominate his successor. Accordingly, on the 28th of November, 1698, he made a will, by which he bequeathed all his dominions to the Prince of Bavaria; but this disposition was shortly afterwards defeated by the death of that prince, on the 6th of February, 1699. Another partition treaty was then concluded by the same parties as those to the first, by which the Archduke Charles was to have Spain, the Netherlands, and the colonial possessions; and the Dauphin, in addition to the share assigned to him by the former treaty, the Milanese, or Lorraine and Bar, as an equivalent. It was likewise stipulated, that the crown of Spain was not to be united either with that of France or the Empire. When the Second Partition Treaty was made known at Madrid, it excited a still greater sensation than the first had done. By a series of intrigues and artifices, Charles II. was induced to make another will, recognising the rights of Maria Theresa, his elder sister, and declaring, that as the renunciation of that princess had been made solely to prevent the union of the kingdoms of France and Spain, that motive ceased on transferring the Spanish monarchy to one of the younger sons of the Dauphin; and he accordingly nominated Philip, Duke of Anjou, the Dauphin's second son, his sole successor to the Spanish dominions. Should the Duke of Anjou die without issue, or inherit the French crown, the Duke de Berri was to succeed on the same conditions; and after him or his posterity, the Spanish territories were entailed on the Archduke Charles, on the same terms, to prevent the union of the crowns of Spain and the Empire; and finally, on the Duke of Savoy and his issue. Charles II. died on the 1st of November, 1700. Philip of Anjou thereupon took possession of the throne of Spain as Philip V., and his title was acknowledged by William III. On the death of James II., Louis XIV. recognised his son, the Prince of Wales, as his successor, and thus committed a breach of the treaty of Ryswick, by which he had expressly acknowledged the title of William III. as King of England. This proceeding on the part of Louis caused much resentment in this country; and the two Houses of Parliament, which had hitherto shown much reluctance to join Austria and the States in their hostilities against the Bourbons, now no longer hesitated to give their hearty concurrence to the Grand Alliance. The result of the war of the Spanish succession was, that Louis XIV. succeeded in establishing a Bourbon dynasty in Spain.—Coxe's Hist. of the House of Austria, chap. lxvii. and lxviii. Koch's Revolutions.

his various calamities, he offered at one time to his enemies to relinquish all the objects for which he had begun the war:* that proud monarch sued for peace, and was content to receive it from our moderation. But when it was made a condition of that peace that he should turn his arms against his grandson, and compel him by force to relinquish the throne of Spain—humbled, exhausted, conquered as he was, misfortune had not yet bowed his spirit to conditions so hard as these. We know the event: he persisted still in the war, until the folly and wickedness of Queen Anne's Ministers enabled him to conclude the peace of Utrecht,† on terms considerably less disadvantageous even than those which he had himself proposed. And shall we, Sir, the pride of our age, the terror of Europe, submit to this humiliating sacrifice of our honour? Have we suffered a defeat at Blenheim? Shall we, with our increasing prosperity, our widely-diffused capital, our navy, the just subject of our common exultation, our overflowing coffers, that enable us to give back to the people what, in the hour of calamity, we were compelled to take from them; flushed with a recent triumph over Spain, and yet more than all, while our old rival and enemy is incapable of disturbing us, shall it be for us to yield to what France disdained in the hour of her sharpest distress, and exhibit ourselves to the world the sole example in its annals of such an abject and pitiful degradation?

"But gentlemen inform us now, in justification, as I suppose they mean it, of all these measures, that to effect a peace between Russia and the Porte was only the ostensible cause of our armament, or at least not the sole cause; and that Ministers were under some apprehension lest the Emperor, if the allies were to disarm, should insist on better terms from the Turks than he had agreed to accept by the convention of Reichenbach. This I cannot believe. When his Majesty sends a message to inform his Parliament that he thinks it necessary to arm for a specific purpose, I cannot suppose that a falsehood has been put into his Majesty's mouth; and that the armament which he proposes as necessary for one purpose is intended for another. If the right honourable gentleman shall tell me that although the war between Russia and the Porte was the real cause of equipping the armament, yet that being once equipped, it was wise to keep it up when no longer wanted on that account, because the Emperor seemed inclined to depart from the convention of Reichenbach; then I answer, that it was his duty to have come with a second message to Parliament, expressly stating this new object, with the necessary information, to enable the House to judge of its propriety.

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* At one time Louis consented to abandon the interests of his son Philip.

† The treaty of Utrecht was concluded in April 1713, at the termination of the war of the Spanish succession. One of the fundamental clauses in this treaty is that by which it is provided that the Crowns of France and Spain never should be united. To effect this, Philip of Anjou, for himself and his descendants for ever, formally renounced all right to the Crown of France, while his brother Charles, Duke de Berri, and his grand-uncle Philip, Duke of Orleans, brother of Louis the Fourteenth, did the same in regard to the Spanish monarchy. Failing the descendants of Philip V., the Spanish succession was secured to the Duke of Savoy, his male descendants, and the other princes of his family, to the exclusion of the French princes. By this treaty, likewise, Spain was shorn of its most valuable dependencies, Naples, Sicily, Sardinia, and the Low Countries; besides Gibraltar and Minorca, which had been conquered by England during the war, and were now ceded to her. It was agreed that the fortifications at Dunkirk should be seized. France also ceded to England her possessions of Nova Scotia, Hudson's Bay, and Newfoundland; and all the powers recognised the title of Queen Anne to the throne of England, and the Protestant succession to her Crown.—Koch's Revolutions.

"Another of the arguments for continuing the armament after the object was relinquished, is, that Russia might have insisted on harder terms, not conceiving herself bound by offers which we had refused to accept. I perfectly agree with gentlemen that after the repeated offer of those terms on the part of Russia, and the rejection of them by us, the Empress was not bound to adhere to them in all possible events and contingencies. If the war had continued, she would have had a right to further indemnifications for the expense of it. But was it not worth the Minister's while to try the good faith of the Empress of Russia after she had so solemnly pledged herself to all Europe that she would not rise in her demands? The experiment would have been made with little trouble; by the simple expedient of sending a messenger to ask the question. The object of this armament would have suffered little by the delay, as an answer from the Russian Court might have been had in five or six weeks. Was it reasonable in Ministers to suppose that because, in the early part of the negotiation, the Empress had shown so much regard to us as actually to give up whatever pretensions she had formed to other provinces of the Turkish Empire, solely with the view of obtaining our concurrence to the principle on which she offered to make peace, she would revert to those very pretensions the instant she had obtained that concurrence on our part, for the benefit of which she had sacrificed them? Surely, as I have said, it was worth while to make the experiment: but simple and obvious as this was, a very different course was adopted. Oczakow, indeed, was relinquished before the armament began, as we may find by comparing the date of the press-warrants with that of the Duke of Leeds's resignation. As soon as the King's message was delivered to Parliament a messenger was despatched to Berlin with an intimation of the resolution to arm. This, perhaps, was rashly done; as they might have foreseen that the measure would probably meet with opposition, and much time could not have been lost by waiting the event of the first debate. No sooner was the division known, than a second messenger was sent off to overtake and stop the despatches of the first; and this brings me to another argument, which I confess appears to me very unlikely to help them out. They tell us that the King of Prussia having armed in consequence of our assurances of support, we could not disarm before we knew the sentiments of the Court of Berlin, without the imputation of leaving our ally in the lurch. Did we wait for the sentiments of that Court to determine whether Oczakow was to be given up or not? Sir, when that measure was resolved upon the right honourable gentleman actually had abandoned his ally; and that such was the general sense of the Court of Berlin, I believe can be testified by every Englishman who was there at the time. No sooner did the second messenger arrive and the contents of his despatches become known, than a most general indignation arose against the conduct of the right honourable gentleman; and I am well enough informed on the subject to state to this House that not an Englishman could show his face in that capital, without exposing himself to mortification, perhaps to insult.

"But, Sir, between the 28th of March, when the message was brought down to this House, and the 2nd or 3rd of May, when the second messenger was despatched with the news that Ministers had abandoned the object of it, the armament could not have been materially advanced. Why, then, was it persisted in? The right honourable gentleman cannot argue that he kept up the armament in compliance with his engagements with Prussia, when the armament, in fact, did not exist, and when it had been begun but four or five days previous to his renouncing the object of it. That could not have been his motive. What, then, was the motive? Why, that he was too proud to own his error, and valued less the money and tranquillity of the people than the appearance of firmness, when he had renounced the reality. False shame is the parent of many crimes. By false shame a man may be tempted to commit a murder, to conceal a robbery. Influenced by this false shame the Ministers robbed the people of their money, the seamen of their liberty, their families of support and protection, and all this to conceal that they had undertaken a system which was not fit to be pursued. If they say that they did this, apprehensive that without the terror of an armament Russia would not stand to the terms which they had refused to accept, they do no more than acknowledge that by the insolence of their arming, and the precipitancy of their submission, they had either so provoked her resentment, or excited her contempt, that she would not even condescend to agree to her own propositions when approved by them. But, however they might have thought her disposed to act on this subject, it was at least their duty to try whether such would have been her conduct or not.

"To prove that the terms to which they agreed at last were the same with those they before rejected, all I feel it necessary for me to observe is, that the free navigation of the river Dniester, the only novelty introduced into them, was implied in proposing it as a boundary; for it is a well-known rule that the boundary between two powers must be as free to the one as to the other. True, says the minister, but we have got the free navigation for the subjects of other powers, particularly for those of Poland. If this be an advantage, it is an advantage he has gained by concession; for if he had not agreed that the river should be the boundary, the navigation would not have been free. The Turks would have offered no such stipulation had they been put in possession of both the banks; besides which, as a noble duke, whom I have already quoted, well observed, it is an advantage, whatever may be its value, which can subsist only in time of peace. It is not, I suppose, imagined that navigation will be free in time of war. They have then got nothing that deserves the name of a ‘ modification,’ a term, I must here observe, the use of which is not justified even by the original memorial, where the sense is more accurately expressed by the French word ‘radoucissement.’ Was it, then, for some *radoucissement* that they continued their armament? Was it to say to the Empress, when they had conceded everything, ‘ We have given you all you asked; give us something that we may hold out to the public, something that we may use against the minority; that minority whom we have endeavoured to represent as your allies. We have sacrificed our allies, the Turks, to you; you can do no less than sacrifice your allies, the minority, to us?’ If I had been to advise the Empress on the subject, I would have counselled her: Grant the British Minister something of this sort. I would even have advised her to raze the fortifications of Oczakow, if he had insisted on it; I would have appealed from her policy to her generosity, and said, Grant him this as an apology, for he stands much in need of it. His whole object was to appear to gain something, no matter what, by continuing the armament, and even in this last pitiful and miserable object he has failed.

“ If, after all, I ask whether these terms are contained in the peace that we have concluded for the Turks, or rather which the Turks concluded for themselves, the answer is, ‘ We have no authentic copy of it.’ Is this what we have got by our arms, by distressing our commerce, dragging our seamen from their homes and occupations, and squandering our money? Is this the efficacy of our interference and the triumph of our wisdom and our firmness? The Turks have at length concluded a peace, of which they do not even condescend to favour us with a copy, so that we know what it is only by report; and the balance of power in Europe, lately in so much danger, and of so much importance, is left for them to settle without consulting us! Is it for this that we employ such men as Mr. Fawkener and Mr. Whitworth? They were sent to negotiate for the materials of a speech, and failed. But what are the complaints that private friendship has a right to make compared with those of an insulted public? Half a million of money is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what? For the restoration of Oczakow? No; Oczakow is not restored. To save the Turks from being too much humbled? No; they are now in a worse situation than they would have been had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could, as I observed before, then have assisted them unembarrassed. We are now tied down by treaties and fettered by stipulations; we have even guaranteed to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the public have got by the armament. What, then, was the private motive?

‘ Scilicet, ut Turno contingat regia conjux,
Nos, animæ viles, inhumata infletaque turba,
Sternamur campis.’

The Minister gained, or thought he was to gain, an excuse for his rashness and misconduct, and to purchase this excuse were the public money and the public quiet wantonly sacrificed. There are some effects, to combine which with their causes, it is almost sufficient to drive men mad. That the pride, the folly, the presumption, of a single person shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of our constitution! Here may we search for the source of those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tell us we have no constitution at all. We may blame, we may reprobate, such doctrines; but while we furnish those who circulate them with arguments such as these—while the example of this day shows us to what degree the fact is true, we must not wonder if the purposes they are meant to answer be but too successful. They argue, that a constitution cannot be right where such things are possible; much less so when they are practised without punishment. This, Sir, is a serious reflection to every man who loves the constitution of England. Against the vain theories of men who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it: but when they recur to these facts, and show me how we may be doomed to all the horrors of war by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this House, and exhort you to rouse from your lethargy of confidence into the active mistrust and vigilant control which your duty and your office point out to you.

"Without recurring to the dust to which the Minister has been humbled, and the dirt he has been dragged through, if we ask for what the peace of the public has been disturbed—for what that man is pressed and dragged like a felon to a service that should be honourable? We must be answered, For some three-quarters of a mile of territory on the banks of the Dniester! In the name of all we value, give us, when such instances are quoted in derogation of our constitution, some right to answer, that these are not its principles, but the monstrous abuses intruded into its practice. Let it not be said, that because the executive power, for an adequate and evident cause, may adopt measures that require expense without consulting Parliament, we are to convert the exception into the rule; to reverse the principle; and that it is now to be assumed that the money of the people may be spent for any cause, or for none, without either submitting the exigency to the judgment of their representatives, or inquiring into it afterwards, unless we can make out ground for a criminal charge against the Executive Government. Let us disclaim these abuses, and return to the constitution. I am not one of those who lay down rules as absolute; but I maintain the general rule to be, that before the public money is voted away, the occasion that calls for it should be fairly stated, for the consideration of those who are the proper guardians of the public money. Had the Minister explained his system to Parliament before he called for money to support it, and had Parliament decided that it was not worth supporting, he would have been saved the mortification and disgrace in which his own honour is involved, and by being furnished with a just excuse to Prussia for withdrawing from the prosecution of it, have saved that of his Sovereign and his country, which he has irrecoverably tarnished. Is unanimity necessary to his plans? He can be sure of it in no manner, unless he explain them to this House, who are certainly much better judges than himself of the degree of unanimity with which they are likely to be received. Why, then, did he not consult us? Because he had other purposes to answer in the use he meant to make of his majority. Had he opened himself to the House, and had we declared against him, he might have been stopped in the first instance; had we declared for him, we might have held him too firmly to his principle, to suffer his receding from it as he has done. Either of these alternatives he dreaded. It was his policy to decline our opinions and to exact our confidence; that thus having the means of acting either way, according to the exigencies of his personal situation, he might come to Parliament, and tell us what our opinions ought to be; which set of principles would be most expedient to shelter him from inquiry and from punishment. It is for this he comes before us with a poor and pitiful excuse, that for want of the unanimity he expected, there was reason to fear, if the war should go to a second campaign, that it might be obstructed. Why not speak out, and own the real fact? He feared that a second campaign might occasion the loss of his place. Let him keep but his place, and he cares not what else he loses. With other men, reputation and glory are the objects of ambition; power and place are coveted but as the means of obtaining them. For the Minister, power and place are sufficient of themselves. With them he is content; for them he can calmly sacrifice every proud distinction that ambition covets, and every noble prospect to which it points the way.

"Sir, there is yet an argument which I have not sufficiently noticed. It has been said, as a ground for the right honourable gentleman's defence, that he was prevented from gaining what he demanded by our opposition, and but for this, that Russia would have complied, and never would have hazarded a war. Sir, I believe the direct contrary, and my belief is as good as their assertion, unless they will give us some proof of its veracity. Until then, I have a right to ask them, What if Russia had not complied? Worse and worse for him! He must have gone on redoubling his menaces and expenses, the Empress of Russia continuing inflexible as ever, but for the salutary opposition which preserved him from his extremity of shame. I am not contending that armaments are never necessary to enforce negotiation; but it is one, and that not the least, of the evils attending the right honourable gentleman's misconduct, that by keeping up the parade of an armament, never meant to be employed, he has in a great measure deprived us of the use of this method of negotiating whenever it may be necessary to apply it effectually. For if you propose to arm in concert with any foreign power, that power will answer, 'What security can you give me that you will persevere in that system? You say, you cannot go to war unless your people are unanimous.' If you arm to negotiate against a foreign power, that power will say, 'I have only to persist—the British Minister may threaten, but he dare not act—he will not hazard the loss of his place by a war.' A right honourable gentleman (Mr. Dundas), by way of excuse for withholding the papers, asked us what foreign power would negotiate with an English Cabinet if their secrets were likely to be developed and exposed to the idle curiosity of a House of Commons? 'Better have no dealings with them at all,' I should answer, 'if the right of inquiry into every part of a negotiation they think fit, and of knowing why they are to vote the money of their constituents, be denied the House of Commons.' But there is something like reason why no foreign power will negotiate with us (and that a much better reason than a dread of disclosing their secrets), in the right honourable gentleman's example. I declare, therefore, for the genius of our constitution, against the practice of his Majesty's Ministers. I declare that the duties of this House are, vigilance in preference to secrecy, deliberation in preference to despatch. Sir, I have given my reasons for supporting the motion of my honourable friend; I will listen to the right honourable gentleman's defence with attention, and will retract wherever he shall prove me to be wrong."

Mr. Pitt replied to Mr. Fox. In the course of his speech he asserted, that "the division in this country had encouraged the temper of resistance in Russia, and that if to save expense was right, we should have done so, but unfortunately the enemy was encouraged by an opposition, who now took merit to themselves for rendering that useless which, but for their efforts, would have been attended with success. But he did not envy them their triumph; it was not a triumph over the enemies of their country, but over the Council of the King. And now, as he was on the subject of triumph and of popularity, he must observe, that if he and his right honourable friend (Mr. Dundas) were to go to the capital of the empire, which opposition had thus served, certain he was that they would not be found in any place of glory between two orators." Mr. Pitt alluded to the bust of Mr. Fox placed by the Empress of Russia between those of Demosthenes and Cicero. As soon as Mr. Pitt concluded his speech,

Mr. Fox again rose, and said:—"I do assure the House that I mean to confine myself strictly to explanation, having heard nothing from the right honourable gentleman to make me retract the censure, which, in my opinion, his conduct demands. But I wish the House to recollect, that when, at the beginning of the last session, I asked, for what purpose a part of the armament provided against Spain was kept up,* I was told that it arose from the situation of Europe, and was necessary for the protection of our homeward-bound West India merchantmen: but neither did I then understand, nor from anything that fell from me give gentlemen reason to think I understood, that force to be destined to act against Russia. The right honourable gentleman's insinuation, therefore, that I knew of and approved the keeping up an armament to awe the Empress, is totally void of foundation. With regard to what the right honourable gentleman has chosen to introduce into his speech respecting compliments and honours conferred on me by the Empress of Russia, I am ready now and at all times to declare, that if any foreign sovereign in friendship with this country shall pay me the compliment to think well of me, and testify it by those marks of distinction to which the right honourable gentleman has alluded, I shall feel myself highly gratified by such distinction. With regard to Russia, it has ever been my opinion that she was the power in Europe (I will scarcely except even Holland) with which the cultivation of reciprocal ties of friendship, both commercial and political, was most natural and of the greatest consequence to this country. For the uniformity of this opinion, Sir, I appeal to my whole conduct, whether in office or out of it. At the close of the American war I thought Russia the power whose naval force, joined with ours, might effectually counterbalance the united navies of the House of Bourbon. The gentlemen on the other side have opportunities of knowing to what degree I endeavoured to give effect to this opinion. When I was again in office I refused to concur in remonstrances to the court of Petersburgh against the seizure of the Crimea. I appeal further to the sentiments delivered by me in this House, when I added my voice to those of the right honourable gentleman's supporters in applauding the success of the measures taken to assist the Stadtholder in 1787;* when, in avowing my approbation of what was done, I gave as my principal reason for that approbation the option it placed in our power at that moment of forming alliances on the continent, which might render the advantages we derived from our interference permanent; and when I distinctly named Russia as one of those which it was of the highest importance to cultivate. These have ever been my sentiments, and I have seen nothing in what has recently happened to make me change them."

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* *Vide ante*, p. 409, note.

The question being put on Mr. Whitbread's first resolution, viz. "That no arrangement respecting Oczakow and its district appears to have been capable of affecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain between Russia and the Porte," it was negatived. On the second resolution, "That the interference of Great Britain for the purpose of preventing the cession of the said fortress and its district to the Empress of Russia, has been wholly unsuccessful," the previous question was put and carried. On the third, "That his Majesty's Ministers, in endeavouring, by means of an armed force, to compel the Empress of Russia to abandon her claim to Oczakow and its district, and in continuing an armament after the object for which it was proposed had been relinquished, have been guilty of gross misconduct, tending to incur unnecessary expenses and to diminish the influence of the British nation in Europe," the House divided:—Yeas, 116; Noes, 244. It was therefore rejected.

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* *Vide ante*, p. 298, note.

Abolition of the Slave Trade.

April 2. The repeated discussions which had taken place in Parliament in former years relative to the slave-trade, together with the printed evidence, which had been very generally circulated, had excited great interest upon the subject throughout the kingdom; and no fewer than five hundred and nineteen petitions, all praying for the total abolition of this infamous traffic,* were presented to the House of Commons in the early part of the present session.† On the 2nd of April, the House resolved itself into a committee of the whole House on the African Slave-trade, at the instance of Mr. Wilberforce, who moved, at the close of a most able speech, "That it is the opinion of this committee that the trade carried on by British subjects for the purpose of obtaining slaves on the coast of Africa, ought to be abolished." He said that, if he carried his motion, he should follow it up by another, "That the Chairman be directed to move the House for leave to bring in a bill for the abolition of the slave-trade." Mr. Baillie, agent for Grenada, Mr. Vaughan, Mr. Jenkinson, and Colonel Tarleton, opposed the motion, and asserted the propriety of the slave-trade from a variety of considerations: it had been long authorized, they maintained, by the British Legislature as indispensably necessary for the preservation of the islands. The evidence that had been produced against it was partial and ill-founded. Were it to be abolished the nation would be a loser annually by the diminution of six millions taken from the worth of manufactures exported and of shipping constructed. This country was not, therefore, to be exposed to such a calamity, in compliance with petitions which, however numerous, proceeded mostly from inexperienced individuals, many of whom were raw youths and persons compelled by indigence to set their names to them, in hope of reward. The motion was warmly supported by Mr. Henry Thornton, Mr. Montagu, Mr. Whitbread, and Mr. Pitt. Mr. Whitbread particularly distinguished himself by the energy and animation of his remarks. "It was the necessary quality of despotism," he said, "to corrupt and vitiate the heart; and the moral evils of this system were still more to be dreaded than the political. No mildness in practice could make that to be right which was fundamentally wrong. Nothing could make him give his assent to the original sin of delivering man over to the despotism of man. It was too degrading to see, not the produce of human labour, but man himself made the object of trade. In the sale of plantations slaves were occasionally mentioned as 'damaged goods;' an expression so degrading proved, at the same time, how ill they had been treated, how exhausted and worn down by hard toil and its natural effects, sickness and infirmities." Mr. Dundas, who had recently been advanced to the office of Secretary of State by the resignation of the Duke of Leeds, after a speech recommending to the House the adoption of a middle and moderate plan, such as would reconcile the interests of the West India Islands with the eventual abolition of the trade, moved that the word "gradually" be inserted before the word "abolished" in the motion. This amendment was supported by Mr. Addington, the Speaker, who suggested the propriety of encouraging, by means of dissimilar duties, the increased importation of females.

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* Only four petitions were presented against total abolition.

† A pamphlet, containing portions of the evidence which had been given before the Privy Council, and before Parliament, accompanied with a recommendation to abstain from West India sugar and rum, was ably compiled and profusely circulated, and its effect was prodigious. Individuals of all ranks, religions, and parties, adopted the resolution. Three hundred thousand persons renounced the use of sugar.—Adolphus's Hist. of the Reign of Geo. III. vol. v. p. 97.

Mr. Fox said, "That although what had fallen from one right honourable gentleman must carry with it more weight than anything he could offer on the subject, yet he had heard it with infinite uneasiness instead of any satisfaction, and he could not but observe that he had never felt a more severe, nay, he might say, a more efficacious resistance to his honourable friend's motion. Without questioning the sincerity of the right honourable gentleman, something had been said so highly mischievous, and something so much more like a foundation had been laid, not only for permitting for years to come, but suffering that detestable traffic to continue perhaps for ever, that he could not but plainly state the grounds upon which he acted in a business so truly important. He deprecated in strong terms every deception and delusion upon the country; and he conceived that to be delusive and deceptive, though perhaps not meant to be so, which prevented the committee from seeing the business in its true light; from seeing what alone was and must be the question—Whether that execrable traffic, the slave-trade, was fit to be continued, or ought to be abolished? The two right honourable gentlemen who spoke last called themselves 'moderate men;' but he neither felt nor wished to feel anything like moderation upon this subject. He considered the idea of continuing the slave-trade as nothing else than the idea of continuing the encouragement of the crimes of robbery and murder, and those under circumstances of perpetration the most flagitious and atrocious. The mention of moderation in the case before them reminded him of a passage in Middleton's Life of Cicero; the translation, though deficient, was equally applicable to his present purpose; the passage was, 'to enter into a man's house, and kill him, his wife, and family, in the night, is certainly a most heinous crime, and deserving of death; but to break open his house, to murder him, his wife, and all his children, in the night, may be still very right, provided it be done with moderation.' If any idea could be more absurd than that which he had just mentioned, it was that of the slave-trade being carried on in moderation. If to break into a single house, and rob and murder a single family, could not be done in moderation, with what moderation could a whole country be pillaged and destroyed? The question," he said, "was one of simple justice: it was only whether they should authorize by law, respecting Africa, the commission of crimes for which, in this country, they would be liable to incur the severest penalties, and even to forfeit their lives in the most ignominious manner? Bad as was the proposition, he should have liked it better had it been more specific." Mr. Fox noticed the terms in which the trade had been reprehended by the two last right honourable gentlemen who had spoken, and asked, "Where was the proof that they would ever vote for the abolition of it? He challenged them to produce arguments in support of the traffic, if any could be urged in support of a traffic so execrable, and to show how a law could be tolerated which was diametrically opposite to all law whatever? For his part he was equally an enemy to all their regulations—regulations as disgraceful as they would be impotent! The right honourable gentleman who led the way in this new plan of moderation, proposed that hereditary slavery should be abolished. But the mode was curious: the child was to be freeborn, instructed in the principles of freedom, for he was to be instructed in the duties of religion, which inculcated a rational freedom, and when these principles might be supposed to have taken root, he was to pay for those principles by becoming a slave. Such were the charms of liberty, that the very idea of attaining it one day or other sweetened the nauseous draught of slavery. But that a person should purchase slavery at the expense of freedom, was inverting the order of things indeed!

"The other right honourable gentleman (the Speaker) proposed that a premium should be allowed for the transportation of females. Was the kidnapper to be encouraged to lay the snare for the unsuspecting maid, to snatch her from the arms of her lover or her parents, or to transfer the mother from the embraces of her spouse to the arms of him between whom and herself there could be no attachment but that sympathy which arose from captivity? He should like to see the clause by which this inhuman measure was to be presented to the Parliament of England. He should like to see the man with a mind capable of conceiving words to frame such a clause. Was there a gentleman in the House bold enough to support it? For the honour of Parliament he hoped that there was no such man.

"When he considered that the present was not a question of moderation, but of justice, he expressed his surprise that gentlemen should entertain the smallest hesitation. The right honourable the Speaker had very laudably reprobated the trade with the utmost abhorrence; but had, nevertheless, refused to support the original motion. Did the vote to which they were called pledge them to any particular system of abolition? No. Then why not pass the resolution now, and object to and amend any future motion?"

Mr. Fox exposed in the same masterly way the regulations of Mr. Dundas, "who wished to begin by emancipation, instead of abolishing the trade; who called a mere regulation of trade an invasion of property; and who himself proposed the very extinction of that property in the first instance. One honourable gentleman—the only one who had acted with fairness on that side—had declared that he resisted those who condemned the trade, and that he thought that it ought to go on. In fact, those who had spoken most directly against the abolition had conceded in substance, though not perhaps in words, as much as those who were for gradually abolishing the trade. One honourable gentleman had declared it to be his intention gradually to abolish it, by ameliorating the state of the negroes, and thus rendering it unnecessary. The honourable mover of the business, however, had said, with much more wisdom and practicability, 'I will gradually produce the abolition of slavery by immediately abolishing the trade. I will continue to promote my plan till the object shall be accomplished.' With respect to infringement of private property, they surely," Mr. Fox said, "might prohibit the commission of crimes without thereby being chargeable with taking away the property of the West Indians, which certainly it was not their intention to do. He condemned and ridiculed the idea of the children of slaves being born free, and then serving ten or fifteen years to requite their masters for the expense of their education, and after that becoming free in fact. Could any man imagine that a person was better qualified to enjoy freedom after a servitude of so long a period than if he had continued free from his birth?

"'Oh! but,' say the advocates for continuing the trade, 'we do not mean to urge the question chiefly on these grounds. We talk of the impolicy of renouncing the measure when it will immediately be adopted by some other European power.' With respect to the probability of other nations supplying the islands with slaves, clear he was that it had better be done by any nation than by this. He would rather that the colonies should be supplied by all the nations in Europe, than that the British name should be sullied by such abominable practices. It was begun to be seen," Mr. Fox observed, "that the trade was inconsistent with justice. An honourable gentleman who had spoken early in the debate (Mr. Baillie) had acknowledged that many enormities subsisted, and were proved by the evidence; but he had asked, would it be fair to take the character of this country from the records of the Old Bailey? He was not at all surprised that when the subject was mentioned the Old Bailey should recur to the honourable gentleman's recollection. The honourable gentleman had, however, forgotten the essential difference between the two cases. When they learned from the Old Bailey records, that crimes had been committed in this country, they at the same time learned that they were punished with transportation and death: when they heard of crimes committed in the slave-trade, they found them passed over with impunity, or the objects even of reward. There had been an accusation urged against the committee which sat in the Old Jewry, for having distributed copies of the evidence. He had the honour to be one of that committee, though, perhaps, from some other avocations, not a very constant attendant, and his advice had ever been to distribute them as largely as could be done; for he heartily wished that there should not be a man in the nation who could read but should see the evidence before the

House, since he was sure that it would produce on the country that effect which he trusted it would ultimately have on the House of Commons, and ensure the immediate abolition of the trade. It had by some been objected that part of the evidence was given by poor people. He knew not that poverty and veracity were incompatible. At least the evidence of the poor was as good as that of the correspondents whose letters had been read by his honourable friend (Colonel Tarleton), who had acknowledged that he did not know who his correspondents were. He noticed the mention made of Lords Rodney and Macartney, Admirals Edwards and Arbuthnot, &c., who, he observed, had spoken of the West Indies only, and could have no other knowledge of the slave-trade than that which might be obtained from a perusal of the evidence. All that they had said had been merely negative, whereas the evidence of the other persons, less affluent, perhaps, and less dignified, was positive and uncontradicted. As to the mode of procuring slaves, even the honourable colonel had not said that there was anything like fairness in it; in his mind, the least disreputable way of accounting for the supply would be to represent them as having been legally convicted of crimes. If, however, the number should prove it to be impossible that they all could have been convicted of crimes, that pretence must fall to the ground. The whole number he stated to be above eighty thousand annually! Could such a number be supposed to be convicts? And even were that the case, it could not but be considered as rather condescending in this country, and rather new also, to take on itself the task of transporting convicts from other parts of the world, and those parts barbarous! Were France or Spain to proffer such an office to this country, they would scarcely know what terms were adequate to express their sense of the insult; but from the petty states of Africa they accepted it with satisfaction and pleasure! As for the specific crimes of which the negroes were convicted, witchcraft especially, they entertained so sacred a horror of them, that being unable to find objects at home, they made, as it were, a crusade to Africa, to express their indignation at the sin. With respect to adultery, to be sure, they did not go to Africa because the crime was not to be met with in this country: their aversion, however, to that crime was such, that though it might be thought somewhat severe, lest it should escape punishment, they degraded themselves into executioners—of so despicable a nature must be the best possible defence of which that execrable traffic would admit!

"Last session we were cajoled and taught to believe that something would be early brought forward. Had we not passed a year, and nothing had been done? Were we to be still deluded and betrayed? All our promises were vanished into smoke and air, and the Africans continued to be oppressed, plundered, and murdered. It was exceedingly hard that because we suffered our credulity to be imposed on last session, we should this day be insulted by a similar mode of subterfuge. Why was not the system of moderation proposed then? Why were we not entertained by the proposition for a gradual abolition? He feared that, had not the question been renewed, this measure of gradual abolition would never have been mentioned."

Mr. Fox then proceeded to a statement of facts. "In one part of the evidence they found that a well-known black trader brought a girl to a slave-ship for sale; some persons afterwards went on board and discovered the girl; they learned who the trader was that sold her, and went and carried him to the ship and sold him for a slave. 'What!' said the trader, 'do you buy me, grand trader?' 'Yes,' replied the captain, 'I will buy you or any one else; if they will sell you, I will purchase you.' On the first view of this fact, it appeared to be a piece of most bare-faced villany; but on examining the subject it would be seen that what had happened in that case was, and ever must be, the common and ordinary conduct that resulted from the very nature of the trade. How could the captain know or decide who was the real owner of the girl? He had given the same answer in that case as he must give in every instance, namely, 'I cannot know who has a right to sell; it is no affair of mine; I cannot enter into these controversies. If any man offers me a slave, my rule is to buy him, and ask no questions.' That such was the method of carrying on that execrable traffic, and that perpetual wars were created for the purpose of supplying the European slave-trade, were indisputable facts; and he challenged any man to controvert them."

He then called the attention of the committee to what had happened in the river Cameroon. "That affair," he said, "came out upon an action tried in the Court of Common Pleas, on the 1st of March last, before Lord Chief Justice Loughborough. It was brought by one Macdowal against Gregson and Co., for wages due to the plaintiff. The facts were directly in issue, so that the committee, by a strange fortuity of events, had a judicial proof of the whole transaction; containing, among others, the following important circumstances:—A chieftain, of the name of Quarmo, who meant to execute his revenge upon the slave-captain for the savage violence that he had before committed, went to him and said, 'I want to go up the country to make trade, will you help me by giving me some arms and gunpowder?' The proposal was directly agreed to. Had the chief meant to deceive the captain when he made this proposition, he would have used some sort of art, and not have offered a proposition so extraordinary that it would alarm the captain's suspicions. He would have mentioned some reason for his proposition that was common and natural; his plea, therefore, of borrowing arms to make trade (that is, war for trade) was the natural plea, and therefore succeeded. It was so usual that the captain immediately consented, as it were through habit, to grant his requisition, which he himself declared he had often granted before; and through the success of this fraud his destruction was accomplished! In short, he again and again called on any man to show how the trade could be carried on but by such means as those, for which, if a man were to practise them in this country, he would be punished with death. The advocates for the abolition of that abominable trade were accused of enthusiasm. Were they, he asked, enthusiasts, or fanatics, because they cried, 'Do not rob, abstain from murder!' If by the term enthusiasm, was meant zeal and warmth, he was free to acknowledge that he was an enthusiast, and his enthusiasm was that zeal and warmth which arose from a sense of justice, and was of that kind which made men act with energy in a noble cause ; it was a zeal and warmth which he trusted he should always possess, and without which nothing great and praiseworthy had ever been effected since the creation of the world. In such energy they prided themselves, and gloried. He could not admit of any compromise on the subject; for there could be no compromise between guilt and injustice."

Mr. Fox vindicated Mr. Wilberforce from the charge of unfairness in not having expressly stated the full extent of his meaning, and said, that "though his words had not pointed out immediate abolition, he had openly avowed that to be his intention; and the motion itself was unobjectionable, inasmuch as he had assured them, that when he should bring in his bill, he should leave it liable to amendment, though it was reasonable to suppose that the honourable gentleman would be disposed to fill up the blanks in the manner correspondent to his own ideas. The question then," Mr. Fox said, "was only, whether the House was ready to declare that the slave-trade should be abolished at some period or other; some might be for six years, some for twelve, and others for six months; but all who were for the abolition at all, ought certainly to vote for the motion. When the bill came into the committee, any gentleman might move for a short period; for his part, he thought it ought to be immediately. Some might think of two, three, six, ten, or twenty, years ; in his mind, it might as well be a thousand. Those who were against the immediate abolition," he remarked, "seemed to incline to give weight to the majority of last year ; whereas by the means he proposed, they would put an end to that majority. He had hoped that they would have done something even in the smallest degree towards obtaining the object; but those hopes had entirely failed. An honourable gentleman had said, that they would soon find the trade abolished : he believed so too. Petitions had been presented to the House, the prayers of which could not be resisted ; and the public, who had been enlightened by the evidence, and by the publications of the society in the Old Jewry, had shown a solicitude and zeal on the subject, which could not fail of accomplishing its object. He was old enough to recollect supporting petitions on a variety of occasions, and knew not on what principle they could be spoken of slightingly, unless where actual evidence could be brought of improper practices, such as forged names, or of men having been led by fraudulent means to sign them. Of this he was certain, that the table was never loaded with petitions but where the people of England felt an actual grievance, and where the House ought to feel itself bound to give a remedy.

"One honourable gentleman had said, he had letters to show that some of the petitions contained false names. How did he know but that the letters themselves were false ? It was absurd to suppose that such a number of petitions from all parts of the kingdom could have been fabricated ; if they were, why had they not as many fabricated for the preservation of the trade? So they might, the honourable gentleman had said; but the people on their side of the question would not condescend to use such means. If any slave-traders, or captains, could have been found base enough to sign false names to petitions, or to ask others to sign them on false representations, they might, the honourable gentleman had said, have had their table covered with petitions on their side of the question; but the reason that they had none of their petitions was, that detection would have been easy. It must be equally easy to detect any forgeries that might be committed on the side of the question on which he spoke. Gentlemen had said, that there was no necessity to adopt violent measures on the occasion, for that the slave-trade would soon arrive at a natural period by the civilization of the Africans. It was, he contended, impossible. As long as that accursed traffic continued, there could be no civilization. That was," Mr. Fox said, "the very refinement of cruelty. They created every kind of immorality, and rendered the people savages, and then said, those men were so savage, that it was bettering their condition to transport them as slaves to the West Indies."

Mr. Fox mentioned St. Domingo and its late disastrous situation.* "The recent unfortunate occurrences there arose from the oppression of their masters having rendered the slaves cruel and ferocious; and he warned the committee of the danger of similar events happening in our islands, unless the slave-trade were abolished. He took notice of Mr. Long's History of Jamaica, in which that gentleman expresses the propriety of prohibiting the further importation of negroes, inasmuch as almost all the mischiefs committed in the islands were committed by the new slaves. The abolition of the slave-trade, by rendering the masters more kind in their treatment, would not only do away apprehensions of insurrection, but have a further good effect on even our own islands; and when that happy change should have arrived, they would," he observed, "be able to depend on the creole blacks for the defence of their country, as much as on the whites themselves. He might be asked, Why are you so tender of the negroes in the

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* The French colony of St. Domingo had been the scene of a more dreadful catastrophe than any recorded in history. The white population had embraced with enthusiasm the cause of the French Revolution, which they imagined would lead to their independence of the mother country. The mulattoes had embraced it with equal ardour, but they anticipated other results than the independence of the colony, and aspired to the rights of citizenship, from which they had been hitherto excluded. The Constituent Assembly had recognised the rights of the mulattoes; but the whites, who desired the revolution only for themselves, had raised the standard of revolt, and a civil war had commenced between the old race of the privileged and the freedmen. Taking advantage of this contest, the negroes had appeared on the scene in their turn, and announced their rising by fire and blood. At midnight, on the 30th of September, 1791, the insurrection began. In an instant, twelve hundred coffee, and two hundred sugar, plantations were in flames; the buildings, the machinery, the farm-offices, were reduced to ashes, and the unfortunate proprietors hunted down, murdered, or thrown into the flames, by the infuriated negroes. The horrors of a servile war universally appeared. The unchained African signalized his ingenuity by the discovery of new and unheard-of modes of torture.—Thiers' French Revolution, chap. xxxiii. Alison's History of Europe, vol. ii. p. 307, seventh edition.

West Indies, and so regardless of their African brethren? He did not ask for any tenderness to the people of Africa. He only begged them not to rob and murder them, to gratify their avarice. There was an argument which had not been used at all, but which was the foundation of the whole business; he meant, the difference of colour. Suppose," said Mr. Fox, "a Bristol ship were to go to any part of France, where the utmost fury of civil war was reported to prevail, and the democrats were to sell the aristocrats, or *vice versâ*, to be carried to Jamaica, or any other island in the West Indies, to be sold for slaves: such a transaction, he imagined, would strike every man with horror—and why? Because they were of our colour. On that point he would quote no less an author than Aristotle, who, deep as were his researches in general, and acute as were his observations, yet in regard to that matter says, 'The barbarians (many of whom were of the same colour) are of a different race of mankind, and born to be the slaves of the Greeks!' Were the present race of men more wise than Aristotle? He believed not. Could any justification have been offered for such a practice, that genius, he thought, would have been the first to discover it. Aristotle saw domestic tyranny exercised in an extreme degree in a state where political tyranny would not have been endured, and being unable to account for it on any principle of reason, but seeing that such was the practice, and a practice too universal to be successfully opposed, he therefore endeavoured to persuade his countrymen, that as the barbarians had been conquered by them, they were of an inferior species, and destined to be the slaves of the Greeks. Such a custom could not be now tolerated; and as to the pretext, that what would be great cruelty to us who profess strong principles and cultivated minds, would be not injurious to those who were ignorant and uncivilized, it was the height of arrogance, and the foundation of endless tyranny."

Mr. Fox noticed the mention that had been made of the transportation of convicts to Botany Bay, and said, that "the hardships of the passage would appear less extraordinary when it was known that the transportation was undertaken by slave merchants and slave captains, and that a part of the misery of the convicts was the effect of slave-fetters being used instead of those employed in general for convicts. The matter, he trusted, would be taken up seriously by Government, and properly examined into. To prove that wars were made solely for the purpose of obtaining slaves, he related a story, which," he said, "he had read long before this question was agitated. It was that of an African, who had been educated in the Mahometan religion, and taught both to read and write. He was a man of letters and of the first rank; but was taken in one of those wars, and sent on board an English trader, by which he was conveyed to Maryland, and fortunately sold to a humane master, who transmitted his case to England, where it was taken into consideration; and he was, in consequence, redeemed and sent home to Africa. Had this man, with all his learning and other advantages, fallen into the hands of a common master, he might have worn out his life in that

Egyptian bondage which put an end to thousands. Upon the whole, he should give his opinion of the traffic in a very few words. He believed it to be impolitic; he knew it to be inhuman; he was certain it was unjust. He thought it so inhuman, that if the plantations could not be cultivated without it, upon the principles of justice and humanity, they ought not to be cultivated at all. Were the objects even brute animals, no man would expose them to be treated with such wanton cruelty. If the objects of the traffic were wholly inanimate, no honest man would engage in a trade founded on principles of injustice. Upon these grounds, therefore," he stated, "there was a necessity for putting an immediate end to it."

The committee divided on Mr. Dundas's motion, that the word "gradually" stand part of the question: Yeas, 193; Noes, 125. Mr. Wilberforce's motion, with this addition, was carried by a majority of 145; the numbers being 230 to 85. The House then adjourned.

On the 4th of April, Mr. Wilberforce said, that in consequence of various applications to know when he meant to bring in a bill on the resolution of Monday last for the gradual abolition of the slave-trade, he rose to declare that he neither could nor would bring in any bill for the gradual abolition, or, in other words, to sanction for a time that which it was his deep and firm conviction ought not to endure one moment longer. It was, he said, for Mr. Dundas, who proposed, or for some of those who supported the gradual, instead of the immediate abolition, to follow up a measure which he disclaimed. Mr. Dundas said that he was not prepared with any plan to carry his opinion into effect; but being pressed by Mr. Fox, Mr. Wilberforce, and other friends to abolition, he promised to take the subject into consideration, and to submit his ideas to the House on a future day. Accordingly, on the 23rd of the same month, Mr. Dundas moved twelve resolutions, the first of which declared that the importation of African negroes into the British colonies should cease after the 1st of January, 1800; the other eleven contained a variety of regulations which he deemed necessary for the final accomplishment of his plan at the proposed period. On the 27th of April, it was agreed, by a majority of 151 to 132, that the slave-trade should cease on the 1st of January, 1796. Mr. Dundas immediately declared, that as so material an alteration had been made in his plan, he must decline taking any further step in the matter. Mr. Pitt then undertook to move such resolutions on the subject as he thought necessary. These having been adopted by the Commons, were communicated to the Lords at a conference; but their lordships having determined to hear evidence at their bar, before expressing any opinion upon them, considerable delay was caused, and the further consideration of the subject was postponed until the next session.

MR. FOX'S AMENDMENTS TO THE ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

For some time past various writings had been published, of a highly mischievous and seditious tendency, and had produced a most pernicious change in the sentiments, dispositions, and conduct of a considerable portion of the lower ranks of the community. In order to check the progress of this alarming evil, a royal proclamation was issued on the 21st of May, 1792, in which it was stated, that divers wicked and seditious writings had been printed and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents respecting the laws and constitution of this realm; and that correspondences had been entered into with persons in foreign parts, with a view to forward these criminal purposes: his Majesty, therefore, being resolved, as far as might be in his power, to put a stop to these dangerous practices, warned all people to guard against such attempts, and to discourage all proceedings tending to produce riots; and he commanded all magistrates to make diligent inquiry to discover the authors and distributors of seditious writings, and to take the most effectual care to suppress and prevent all riots and disturbances; and he further commanded them to transmit to one of the Secretaries of State full information concerning all persons who might be found offending in any of these respects, in order that the laws for the preservation of public tranquillity might be vigorously executed. The two Houses voted an address, declaring their firm determination to support his Majesty in his resolution; and their full persuasion, that all necessary exertions to preserve and strengthen the constitution would be seconded by the zeal and gratitude of a free and loyal people.

The royal proclamation, and the address of the two Houses, although at first they seemed to repress the turbulent spirit against which they were directed, did not produce any lasting effect. Riots and disturbances took place in many populous districts, of so serious a nature that they could not be quelled without the aid of military force; and there appeared a general tendency among the lower ranks to insubordination and resistance to authority.

On the 16th of November, the French Executive Council came to a determination to open the Scheldt, the exclusive navigation of which was secured to Holland by a variety of treaties, guaranteed by France, as well as by the other powers of Europe; and it was well known that a treaty of alliance, entered into in 1788, subsisted between Great Britain and Holland, by which they agreed to assist each other, in case the territories or rights of either were attacked. Thinking, therefore, that by such an unjustifiable violation of subsisting treaties, the Executive Council had resolved upon war with England,* and knowing also from secret intelligence that a general insurrection was meditated, at no distant period, by the republican party in this kingdom, the British Government advised his Majesty to issue two proclamations, one for embodying a part of the militia, and the other for summoning Parliament, which had been prorogued to the 3rd of January, to meet on the 13th of December.*

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* On the 19th of November, 1792, the Convention likewise passed the following famous decree:—"The National Convention declares, in the name of the French nation,

December 13. On the day appointed, the King opened the session in person. He began his speech from the throne by stating that, having judged it necessary to embody a part of the militia of this kingdom, he had, in pursuance of the provisions of the law, called Parliament together within the time limited for that purpose.

His Majesty then informed the two Houses that the seditious practices, which had been in a great measure checked by their firm and explicit declaration in the last session, and by the general concurrence of his people in the same sentiments, had, of late, been more openly renewed, and with increased activity; that a spirit of tumult and disorder (the natural consequence of such practices) had shown itself in acts of riot and insurrection, which required the interposition of a military force in support of the civil magistrate; that the industry employed to excite discontent on various pretexts, and in different parts of the kingdom, appeared to proceed from a design to attempt the destruction of the constitution, and the subversion of all order and government; and that this design was evidently pursued in connexion and concert with persons in foreign countries; that he had carefully observed a strict neutrality in the present war on the continent, and had uniformly abstained from any interference with respect to the internal affairs of France; but that it was impossible for him to see, without the most serious uneasiness, the strong and increasing indications which appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandisement, as well as to adopt towards his allies the States-General, who had observed the same neutrality with himself, measures which were neither conformable to the law of nations, nor to the positive stipulations of existing treaties; and that, under all these circumstances, he had felt it his indispensable duty to have recourse to those means of prevention and internal defence with which he was entrusted by law; and that he had also thought it right to take steps for augmenting his naval and military force, being persuaded that such exertions were necessary, and best calculated to maintain internal tranquillity, and to preserve the blessings of peace.

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that it will grant fraternity and assistance to all people who wish to recover their liberty; and it charges the Executive power to send the necessary orders to the generals, to give succour to such people, and to defend those citizens who have suffered, or may suffer, in the cause of liberty."—Alison's Hist. of Europe, vol. iii. p. 176, seventh edition.

* Tomline's Life of Pitt, chap. xv. By sect. xcv. of 26 Geo. III. c. 107, the King is empowered to call out the militia in case of invasion or insurrection; but by sect. xcvii. it is provided, that whenever the militia shall be so called out, during an adjournment or a prorogation which will not expire within fourteen days, a proclamation shall be issued for the meeting of Parliament within fourteen days.

His Majesty next proceeded to lament the necessity for extraordinary expenses, which must for a time prevent the application of any additional sums to the reduction of the public debt, and retard the further diminution of taxes; but it was a great consolation to him to reflect, that ample resources would be found for effectually defraying the expense of vigorous preparations from the excess of the actual revenue beyond the ordinary revenue.

After acquainting the two Houses that the brilliant successes of the British arms in India, under the Marquis Cornwallis, had led to the termination of the war by an advantageous and honourable peace, his Majesty concluded by recommending the immediate adoption of such measures as might be necessary, under existing circumstances, for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of the kingdom; and by promising his zealous and cordial co-operation in all their endeavours to preserve and to transmit to posterity the inestimable blessings which they themselves experienced.

An address, in approbation of the speech, was moved by Sir James Saunderson, the Lord Mayor of London, and seconded by Mr. Wallace. The Earl of Wycombe opposed the address, on the ground of its being, in a great measure, unintelligible to him; though he should not hesitate to say, that the speech calumniated the people of England; who, instead of discovering any symptoms of insurrection, were, at that very moment, overflowing with loyalty. He believed, that with respect to forms of government, there might be different opinions held in England; but they were merely speculative; and ought not to occasion any alarm to the Ministers of the Crown, unless they were called forth into action, and made the ground-work of active measures. As soon as the noble earl had concluded,

Mr. Fox rose and said:—"Although, Sir, what has fallen from the noble earl behind me contains the substance of almost all that I have to offer, and although by the tacit acknowledgment of all who heard him, insomuch that no one seemed ready to venture to rise up in answer to the noble earl, it must have produced the effects which good sense, truth, and solid argument never fail to produce on a great body, yet I cannot avoid offering my opinion on the present most critical and most alarming occasion. I am not so little acquainted with the nature of man, as not to know, that in public speaking, in order to engage the attention of the hearers, besides the efficacy of fair and candid reasoning, a man ought always to be in temper and unison with his audience. He ought to show, that however they may differ upon points, they are still pursuing in reality the same object, namely, the love of truth. With this object in view, I shall, Sir, state explicitly what are my sentiments on the subjects now presented to our notice by the speech from the throne. And first, I state it to be my conviction, that we are assembled at the most critical and momentous crisis, not only that I have ever known, but that I have ever read of in the history of this country—a crisis not merely interesting to ourselves, but to all nations; and that on the conduct of

Parliament at this crisis depends not only the fate of the British constitution, but the future happiness of mankind.

"His Majesty's speech, Sir, is full of a variety of assertions; or perhaps I should not make use of the word assertions, without adding, that it has also a variety of insinuations, conveyed in the shape of assertions, which must impress every man with the most imminent apprehensions for the safety of everything that is justly dear to Englishmen. It is our first duty to inquire into the truth of these assertions and insinuations, so conveyed to us from the throne. I am sure I need not recur to the old Parliamentary usage of declaring, that when I speak of the King's speech, I mean to be considered as speaking of the speech of the Minister, since no one, I trust, will impute to me a want of due and sincere respect for his Majesty. It is the speech which his Majesty has been advised, by his confidential servants, to deliver from the throne. They are responsible for every letter of it, and to them, and to them only, is every observation which I may make upon it addressed. I declare it, therefore, to be my firm opinion, that there is not one fact stated in his Majesty's speech which is not false—not one assertion or insinuation which is not unfounded. Nay, I cannot be so uncandid as to believe, that even the Ministers themselves think them true. This charge upon his Majesty's Ministers is of so serious a kind, that I do not pronounce it lightly; and I desire that gentlemen will go fairly into the consideration of the subject, and manifest the proper spirit of the representatives of the people in such a moment. What the noble earl said is most strictly true. The great, prominent feature of the speech is, that it is an intolerable calumny on the people of Great Britain; an insinuation of so gross and so black a nature, that it demands the strictest inquiry, and the most severe punishment.

"The first assertion is, that there exists at this moment an insurrection in this kingdom. An insurrection! Where is it? Where has it reared its head? Good God! an insurrection in Great Britain! No wonder that the militia were called out, and Parliament assembled in the extraordinary way in which they have been. But where is the insurrection? Two gentlemen have delivered sentiments in commendation and illustration of the speech; and yet, though this insurrection has existed for fourteen days, they have given us no light whatever, no clue, no information where to find it. The right honourable magistrate tells us that, in his high municipal situation, he has received certain information which he does not think proper to communicate to us. This is really carrying the doctrine of confidence to a length indeed. Not content with Ministers leading the House of Commons into the most extravagant and embarrassing situations, under the blind cover of confidence, we are now told that a municipal magistrate has information of an insurrection, which he does not choose to lay before the Commons of England, but which he assures us is sufficient to justify the alarm that has spread over the whole country! The honourable gentleman who seconded the motion tells us, that the 'insurrections are too notorious to be described.' Such is the information which we receive from the right honourable magistrate and the honourable gentleman, who have been selected to move and second the address. I will take upon me to say, Sir, that it is not the notoriety of the insurrections which prevents those gentlemen from communicating to us the particulars, but their non-existence.

"The speech goes on in the same strain of calumny and falsehood, and says, 'the industry employed to excite discontent on various pretexts, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government.' I beseech gentlemen to consider the import of these words, and I demand of their honour and truth, if they believe this assertion to be founded in fact. There have been, as I understand, and as every one must have heard, some slight riots in different parts of the country, but I ask them, were not the various pretexts of these different tumults false, and used only to cover an attempt to destroy our happy constitution? I have heard of a tumult at Shields, of another at Leith, of some riots at Yarmouth, and of something of the same nature at Perth and Dundee. I ask gentlemen if they believe that in each of these places the avowed object of the complaint of the people was not the real one? Do they believe that the sailors at Shields, Yarmouth, &c., did not really want some increase of their wages, but that they were actuated by a design of overthrowing the constitution? Is there a man in England who believes this insinuation to be true? And in like manner of every other meeting to which, in the present spirit, men may give the name of tumultuous assembling, I desire to know if there has been discovered any motive other than their open and avowed one. And yet, with this conviction in our minds, we are called upon to declare directly our belief and persuasion that these things are not so. We are called upon to join in the libel upon our constituents. The answer to the speech says, that we know of the tumult and disorder, but as to the actual insurrection it more modestly makes us say, 'that we are sorry to hear there is an insurrection.' Of the tumults and disorders, then, we have personal knowledge; but the insurrection we learn of from his Majesty's speech!

"I do not wish to enter at length into the affairs of France, which form the next prominent passage in his Majesty's speech; but though I do not desire to enter at length into this part, I cannot conceal my sentiments on certain doctrines which I have heard this night. The honourable gentleman who seconded the motion thought proper to say, as a proof that there existed a dangerous spirit in this country, that it was manifested 'by the drooping and dejected aspect of many persons when the tidings of Dumourier's surrender arrived in England.'* What, Sir, is this to be considered as a sign of discontent and of a preference to republican doctrines, that men should have drooped and been dejected in their spirits when they heard that the armies of despotism had triumphed over an army fighting for liberty? If such dejection be a proof that men are discontented with the constitution of England, and leagued with foreigners in an attempt to destroy it, I give myself up to my country as a guilty man; for I freely confess, that when I heard of the surrender or retreat of Dumourier, and that there was a probability of the triumph of the armies of Austria and Prussia over the liberties of France, my spirits drooped, and I was dejected. What, Sir, could any man who loves the constitution, who feels its principles in his heart, wish success to the Duke of Brunswick, after reading a manifesto* which violated every doctrine that Englishmen hold sacred, which trampled under foot every principle of justice, and humanity, and freedom, and true government; and upon which the combined armies entered the kingdom of France, with which they had nothing to do; and when he heard or thought that he saw a probability of their success, could any man, possessing true British feelings, be other than dejected? I honestly confess, Sir, that I never felt more sincere gloom and dejection in my life; for I saw in the triumph of that conspiracy, not merely the ruin of liberty in France, but the ruin of liberty in England; the ruin of the liberty of man. But, am I to be told that my sorrow was an evident proof of my being connected with the French nation, or with any persons in that nation, for the purpose of aiding them in creating discontents in England, or in making any attempt to destroy the British constitution? If such a conclusion were to be drawn from the dejection of those who are hostile to the maxims of tyranny, upon which the invasion of France was founded, what must we say of those men who acknowledge that they are sorry the invasion did not prosper? Am I to believe that the honourable gentleman, and all others who confess their sorrow at the failure of Prussia and Austria, were connected with the Courts in concert, and that a considerable body of persons in this country were actually in the horrid league formed against human liberty? Are we taught to bring this heavy charge against all those whose spirits drooped on the reverse of the news, and when it turned out that it was not Dumourier, but the Duke of Brunswick who had retreated? No; he would not charge them with being confederates with the invaders of France; nor did they believe, nor could they believe, that the really constitutional men of England, who rejoiced at the overthrow of that horrid and profligate scheme, wished to draw therefrom anything hostile to the established Government of England.

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* During the retreat of Dumourier from Grandpré to St. Ménéhould, a panic seized a portion of his army, amounting to ten thousand men. In their precipitate flight they spread a report that the whole army had been completely routed.—Adolph. Hist. of the Reign of Geo. III. vol. v. p. 177.

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* In this manifesto, which was issued on the 25th of July, 1792, the two allied Courts, after disclaiming all views of conquest and intention to interfere in the internal government of France, called upon the National Guards to watch over the tranquillity of the towns and country, and the preservation of the lives and property of all the French, until the arrival of the allied troops, or until otherwise ordered, under pain of being personally responsible; while, on the other hand, they declared that such of the National Guards as should have combated against the allied forces, and should be taken with arms in their hands, should be treated as enemies, and punished as rebels to their King, and disturbers of the public tranquillity. The members of departments, districts, and municipalities, were held responsible, on pain of losing their heads and properties, for all the crimes, conflagrations, pillage, and assassinations, which they should not have done their utmost to prevent in their jurisdictions. The inhabitants of towns, burghs, and villages, who should dare to defend themselves against the allied forces and fire on them, either in the open country, or from windows, doors, or roofs, should be punished on the spot, according to the laws of war, and their houses burned or demolished. Those, on the other hand, who should immediately submit, should be taken under the protection of the allies. The eighth article then proceeds in these words: "The city of Paris and all its inhabitants, without distinction, are hereby warned to submit, without delay, to the King; to put that prince at entire liberty; and to show to them, as well as all the Royal Family, the inviolability and respect which the law of nature and of nations binds on subjects towards their sovereigns. Their Imperial and Royal Majesties will render all the members of the National Assembly, of the departments, of the district, of the municipality, and of the National Guard of Paris, responsible for all events, with their heads, under military tribunals. They further declare, on their faith and word as Emperor and King, that if the chateau of the Tuileries is forced or insulted, or the least violence or outrage committed on the King, Queen, or Royal Family, and if provision is not immediately made for their safety, preservation, and liberty, they will inflict a signal, rare, and memorable vengeance, by delivering up the city of Paris to military execution and total overthrow, and the rebels guilty of such attempts to the punishment they have merited. On the other hand, if they promptly submit, their Imperial and Royal Majesties engage to use their good offices with his most Christian Majesty, to procure the pardon of their crimes and errors."—Alison's Hist. of Europe, vol. iii. pp. 196, 197, seventh edition.

"But what, Sir, are the doctrines that they desire to set up by this insinuation of gloom and dejection? That Englishmen are not to dare to have any genuine feelings of their own; that they must not rejoice but by rule; that they must not think but by order; that no man shall dare to exercise his faculties in contemplating the objects that surround him, nor give way to the indulgence of his joy or grief in the emotions that they excite, but according to the instructions that he shall receive. That, in observing the events that happen to surrounding and neutral nations, he shall not dare to think whether they are favourable to the principles that contribute to the happiness of man, or the contrary; and that he must take not merely his opinions, but his sensations from his Majesty's Ministers and their satellites for the time being! Sir, whenever the time shall come that the character and spirits of Englishmen are so subdued; when they shall consent to believe that everything which happens around is indifferent both to their understandings and their hearts; and when they shall be brought to rejoice and grieve, just as it shall suit the taste, the caprice, or the ends of Ministers; then I pronounce the constitution of this country to be extinct. We have read, Sir, of religious persecutions, of the implacable oppressions of the Roman see, of the horrors of the inquisition of Spain; but so obdurate, so hard, so intolerable a scheme of cruelty, was never engendered in the mind of, much less practised by, any tyrant, spiritual or temporal. For see to what lengths they carry this system of intellectual oppression! 'On various pretexts there have been tumults and disorders, but the true design was the destruction of our happy constitution.' So says the speech; and mark the illustration of the right honourable magistrate: 'There have been various societies established in the city of London, instituted for the plausible purpose of merely discussing constitutional questions, but which were really designed to propagate seditious doctrines.' So, then, by this new scheme of tyranny we are not to judge of the conduct of men by their overt acts, but arrogating to ourselves at once the province and the power of the Deity, we are to arraign them for their secret thoughts, and to punish them because we choose to believe them guilty! 'You tell me, indeed,' says one of these municipal inquisitors, 'that you meet for an honest purpose, but I know better: your plausible pretext shall not impose upon me: I know your seditious design: I will brand you for a traitor by my own proper authority.' What innocence can be safe against such a power? What inquisitor of Spain, of ancient or of modern tyranny, can hold so lofty a tone? Well, and nobly, and seasonably, has the noble earl said, and I would not weaken the sentiment by repeating it in terms less forcible than his own, but that eternal truth cannot suffer by the feebleness of the terms in which it is conveyed:— 'There are speculative people in this country who disapprove of the system of our Government, and there must be such men as long as the land is free; for it is of the very essence of freedom for men to differ upon speculative points.' Is it possible to conceive that it should enter into the imaginations of freemen to doubt this truth? The instant that the general sense of the people shall question this truth, and that opinion shall be held dependent on the will of Ministers and magistrates, from that moment I date the extinction of our liberties as a people. Our constitution was not made, thank God! in a day. It is the result of gradual and progressive wisdom. Never has the protecting genius of England been either asleep or satisfied.

——— 'But man, proud man!
Drest in a little brief authority;
Most ignorant of what he's most assur'd,
His glassy essence,—like an angry ape,
Plays such fantastic tricks before high heaven,
As make the angels weep.'

Now, it seems, the constitution is complete—now we are to stand still. We are to deride the practice and the wisdom of our forefathers: we are to elevate ourselves with the constitution in our hands, and to hold it forth to a wondering world as a model of human perfection. Away with all further improvement, for it is impossible! Away with all further amelioration of the state of man in society, for it is needless! Let no man touch this work of man; it is like the work of heaven, perfect in all its parts, and, unlike every other work of man, it is neither capable of perversion nor subject to decay! Such is the presumptuous language that we hear; and not content with this haughty tone, they imitate the celebrated anathema of brother Peter, in the Tale of a Tub, and exclaim, 'G—d confound you both eternally if you offer to believe otherwise.'

"Now this, Sir, is the crisis, which I think so truly alarming. We are come to the moment when the question is, whether we shall give to the King, that is, to the Executive Government, complete power over our thoughts: whether we are to resign the exercise of our natural faculties to the Ministers for the time being, or whether we shall maintain that in England no man is criminal but by the commission of overt acts forbidden by the law. This I call a crisis more imminent and tremendous than any that the history of this country ever exhibited. I am not so ignorant of the present state of men's minds, and of the ferment artfully created, as not to know that I am now advancing an opinion likely to be unpopular. It is not the first time that I have incurred the same hazard. But I am as ready to meet the current of popular opinion now running in favour of those high lay doctrines, as in the year 1783 I was to meet the opposite torrent, when it was said that I wished to sacrifice the people to the Crown. I will do now as I did then. I will act against the cry of the moment, in the confidence that the good sense and reflection of the people will bear me out. I know well that there are societies who have published opinions, and circulated pamphlets, containing doctrines tending, if you please, to subvert our establishments. I say that they have done nothing unlawful in this; for these pamphlets have not been suppressed by law. Show me the law that orders these books to be burnt, and I will acknowledge the illegality of their proceedings: but if there be no such law, you violate the law in acting without authority. You have taken upon you to do that for which you have no warrant; you have voted them to be guilty. What is the course prescribed by law? If any doctrines are published tending to subvert the constitution in Church and State, you may take cognizance of the fact in a court of law. What have you done? Taken upon you by your own authority to suppress them—to erect every man, not merely into an inquisitor, but into a judge, a spy, an informer—to set father against father, brother against brother, and neighbour against neighbour, and in this way you expect to maintain the peace and tranquillity of the country! You have gone upon the principles of slavery in all your proceedings: you neglect in your conduct the foundation of all legitimate government, the rights of the people; and, setting up this bugbear, you spread a panic for the very purpose of sanctifying this infringement, while, again, the very infringement engenders the evil which you dread. One extreme naturally leads to another. Those who dread republicanism, fly for shelter to the Crown. Those who desire reform and are calumniated, are driven by despair to republicanism. And this is the evil that I dread!

"These are the extremes into which these violent agitations hurry the people, to the gradual decrease of that middle order of men who shudder as much at republicanism on the one hand, as they do at despotism on the other. That middle order of men, who have hitherto preserved to this country all that is dear in life, I am sorry to say it, is daily lessening; but permit me to add, that while my feeble voice continues, it shall not be totally extinct; there shall at least be one man who will, in this ferment of extremes, preserve the centre point. I may be abused by one side, I may be libelled by the other; I may be branded at one and the same time with the terms of firebrand and lukewarm politician; but though I love popularity, and own that there is no external reward so dear to me as the good opinion and confidence of my fellow-citizens, yet no temptation whatever shall ever induce me to join any association that has for its object a change in the basis of our constitution, or an extension of that basis beyond the just proportion. I will stand in the gap, and oppose myself to all the wild projects of a new-fangled theory, as much as against the monstrous iniquity of exploded doctrines. I conceive the latter to be more our present danger than the former. I see, not merely in the panic of the timorous, but in the acts of the designing, cause for alarm against the most abhorrent doctrines. The new associations have acted with little disguise. One of them, the association for preserving liberty and property against republicans and levellers, I must applaud for the sincerity of its practice. Mr. Chairman Reeves says, that they will not only *prosecute*, but that they will *convince* men, and they recommend, among other publications, a handbill, entitled, 'One Pennyworth of Truth from Thomas Bull to his Brother John,' in which, among other odd things, it is said, 'Have you not read the Bible? Do you not know that it is there written, that Kings are the Lord's anointed? But whoever heard of an anointed republic?' Such is the manner in which these associations are to 'convince' the minds of men! In the course of the present century, their recommendation would have been prosecuted as high treason. In the years 1715 and 1745, the person who dared to say that Kings derived their power from Divine right, would have been prosecuted for treason; and I ask if, even now, this is the way to inculcate the principles of genuine loyalty? No, Sir, thank God, the people of this country have a better ground of loyalty to the house of Brunswick than that of Divine right, namely, that they are the sovereigns of their own election; that their right is not derived from superstition, but from the choice of the people themselves; that it originated in the only genuine fountain of all royal power—the will of the many; and that it has been strengthened and confirmed by the experience of the blessings they have enjoyed, because the house of Brunswick has remembered the principles upon which they received the crown. It is rather extraordinary, Sir, that such language should be held at this precise moment: that it should be thought right to abuse republics, at the very moment that we are called upon to protect the republic of Holland. To spread the doctrine that kings only govern by Divine right, may indispose your allies to receive your proposed succour. They may not choose to receive into their country your admirals and generals, who, being appointed by this King, in Divine right, must partake of the same anger, and be supposed sworn enemies to all forms of government not so sanctified. Surely, independent of the falsehood and the danger of preaching up such doctrines at home, it is the height of impolicy at this time to hold them in regard even to our neighbours. It may be asked, would I prosecute such papers? To this I answer very candidly, I would not. I never yet saw the seditious paper that I would have thought it necessary to prosecute; but this by no means implies that emergencies may not make it proper; but surely there is nothing so essential to the true check of sedition as impartiality in prosecution. If a government wishes to be respected, they must act with the strictest impartiality, and show that they are as determined to prevent the propagation of doctrines injurious to the rights of the people, as of those which are hostile to the rights of the Crown. If men are to be encouraged to rally round the one standard, you must not, you ought not to prevent volunteers from rallying round the other; unless you desire to stifle in the breasts of men the surest and most active principle of obedience—a belief in your impartiality.

"When I first heard, Sir, that the militia were called out, I felt more anxiety and consternation than ever possessed my mind. I thought that information had certainly been received of some actual insurrection or impending invasion. But when I heard that they were not called out to enable Ministers to send the troops to any distant part, to Ireland, or to Scotland, (where they might know of disturbances, though I did not,) but that troops were assembling round London, I firmly believed the whole to be a fraud; for I have friends in and about London, as intelligent, as vigilant, as much interested in the tranquillity of the metropolis, as the right honourable magistrate; and I was confident that an insurrection could not actually exist in London without being known. I pronounced it in my own mind to be a fraud, and I here again pronounce it to be so. I am not given to make light assertions in this House, nor do I desire to receive implicit belief. I deprecate confidence on my bare assertion. On the contrary, I state, that I believe this pretext to be a fraud, and I entreat you to inquire, that you may ascertain the truth. I know that there are societies who have indulged themselves, as I think, in silly and frantic speculations, and who have published toasts and resolutions that are objectionable; but that there is any insurrection, or that any attempt was making to overthrow the constitution, I utterly deny. Now, if this assertion of Ministers is a falsehood, is it an innocent falsehood? Are the people of this country playthings in the hands of Ministers, that they may frighten them and disturb them at pleasure? Are they to treat them as some weak, jealous-pated, and capricious men treat their wives and mistresses—alarm them with false stories, that they may cruelly feast on the torture of their apprehensions, and delight in the susceptibility that drowns them in tears? Have they no better enjoyment than to put forth false alarms, that they know may draw from the people the soothing expressions of agitated loyalty? Or do they think that these expressions, generously, readily made, in favour of the King, whom the people rationally love, may extend in its influence to all the persons that are near his throne? Indulging in this passion, they may keep us incessantly in the tumult of apprehension, until at last they so habituate the mind to dread the evil in this quarter, as to look for it in no other, or to stun it by repeated shocks of fiction into an insensibility of real attack.

"His Majesty, in the next passage of the speech, brings us to the apprehension of a war. I shall refrain at this time from saying all that occurs to me on this subject, because I wish to keep precisely to the immediate subject: but never, surely, had this country so much reason to wish for peace; never was a period so little favourable to a rupture with France, or with any other power. I am not ready to subscribe exactly to the idea of the noble lord, of the propriety of a resolution never to go to war unless we are attacked; but I wish that a motion were proposed by some one, to express our disapprobation of entering upon any war, if we can by any honourable means avoid it. Let no man be deterred by the dread of being in a minority. A minority saved this country from a war against Russia. And surely it is our duty, as it is our true policy, to exert every means to avert that greatest of national calamities. In the year 1789, we all must remember that Spain provoked this country by an insult, which is a real aggression:[*] we were all agreed on the necessity of the case, but did we go headlong to war? No; we determined, with becoming fortitude, on an armed negotiation. We did negotiate, and we avoided a war. But now we disdain to negotiate. Why? Because we have no Minister at Paris.[†] Why have we no Minister there? Because France is a republic! And thus we are to pay with the blood and treasure of the people for a punctilio! If there are discontents in the kingdom, Sir, this is the way to inflame them. It is of no consequence to any people what is the form of the government with which they may have to treat. It is with the governors, whatever may be the form, that in common sense and policy they can have to do. Having no legitimate concern with the internal state of any independent people, the road of common sense is simple and direct. That of pride and punctilio is as entangled as it is crooked. Is the pretext the opening of the Scheldt? I cannot believe that such an object can be the real cause. I doubt if a war on this pretext would be undertaken even with the approbation of the Dutch. What was the conduct of the French themselves under their depraved old system, when the good of the people never entered into the contemplation of the Cabinet? The Emperor threatened to open the Scheldt in 1784. Did the French go to war with him instantly to prevent it? No. They opened a negotiation, and prevented it by interfering with their good offices. Why have we not so interfered? Because, forsooth, France is an unanointed republic! O miserable, infatuated Frenchmen! O lame and inconsiderate politicians! Why, instead of breaking the holy vial of Rheims, why did you not pour some of the sacred oil on the heads of your Executive Council, that the pride of states might not be forced to plunge themselves and you into the horrors of war, rather than be contaminated by your acquaintance! How short-sighted were you to believe that the prejudices of infants had departed with the gloom of ignorance, and that states were grown up to a state of manhood and reason!

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[*] *Vide ante*, p. 409, note.

[†] In consequence of the dethronement of Louis XVI. on the 10th of August, 1792, the British Government, on the 17th of that month, despatched a letter of instructions to Earl Gower, the English ambassador at Paris, stating, that as the exercise of the executive power had been withdrawn from his Most Christian Majesty, his present credentials were not now available; and on this account, as well as in conformity with the principles of neutrality hitherto observed, it was most proper that he should no longer remain at Paris; but they enjoined him, before leaving the capital, to renew their assurances of neutrality in respect to the settlement of the internal government of France. The French Minister, M. le Brun, replied, that the French Government were confident that "the British Cabinet would not, at this decisive moment, depart from the justice, moderation, and impartiality, which it had hitherto manifested."—Adolph. Hist. of the Reign of George III. vol. v. p. 263. Alison's Hist. of Europe, vol. iii. pp. 178, 179, seventh edition.

"This naturally brings us back again to the business of this day, namely, whether any address should be agreed to or not. I desire, then, to put it seriously to the conscience and honour of gentlemen to say, whether they will not be aiding the object of republicans and levellers, if they should agree to plunge this country headlong into a war, or give any pledge whatever to the Crown, until they inquire and ascertain whether there is an insurrection in this country or not? Shall we declare war without inquiring whether we are also to have commotions at home? Shall we pledge our constituents to submission, to compliance, without first proving to them that the strong measure of Government has been authorized by truth? If you would have the laws respected by the people, I say again, you must begin by showing that they are respected from above. If you do not prove to the people that there is an actual insurrection (for I leave out impending invasion and rebellion, as these are not even pretended), you cannot withhold from them the knowledge that you have acted illegally. And how can you expect rational obedience to the laws when you yourselves counteract them? When you set up the *ratio suasoria* as the *ratio justifica*, the people will clearly discern the futility and falsehood of your logic, and translate at once your terms into their true English of real causes and false pretexts. 'Ut ameris amabilis esto,' is as true in government and legislation as it is in manners and private life, and is as well established by experience. The people will not be cheated. They will look round, and demand where this danger is to be seen. Is it in England? They see it overflowing in expressions of loyalty, and yet they libel it with imputations of insurrection. In Ireland you know there is danger, and dare not own it. There you have prorogued the Parliament to the 17th instant, but not to meet till the end of January for the despatch of business, though you know that there a most respectable and formidable convention—I call it formidable, because I know nothing so formidable as reason, truth, and justice—will oblige you by the most cogent reasons to give way to demands which the magnanimity of the nation ought to have anticipated. There you have thus prorogued the Parliament, and deprived yourselves of the means of doing that gracefully which you must do, and which you ought to have done long ago, to subjects as attached to their king, and as abundantly endowed with every manly virtue, as any part of the United Kingdom. And while the claims of generous and ill-treated millions are thus protracted, and, in addition to the hardship of their condition, they are insulted with the imprudent assertion of the tyrannical ascendency, there is a miserable mockery held out of alarms in England which have no existence, but which are made the pretext of assembling the Parliament in an extraordinary way, in order, in reality, to engage you in a foreign contest. What must be the fatal consequence when a well-judging people shall decide—what I sincerely believe—that the whole of this business is a ministerial manœuvre? Will the Ministers own the real truth, and say, that they wanted a pretext to assemble Parliament to make up for their want of vigilance? They must take their choice, and submit to incur the indignation of their country, or feel themselves in a state of contempt. There are men who in this very act give them the praise of vigilance. They did all this, to be sure, with a little harmless fraud, to prevent evils! Let us examine their claim to vigilance.

"This vigilant Ministry saw, nay (if we may take their character from their associates) hoped, that France was on the brink of falling a sacrifice to the united force of Austria and Prussia, the two powers, of all others, whose union would be the most dreadful to England; but they saw no danger to England in a conquest which would render those great military powers maritime. They saw no danger in the union concerted between them; nay, when they had given away Poland in the meantime, because, I suppose, they thought that when Oczakow was gone, the balance of power in Europe went with it, and they retreated out of the field with disgrace. They gave away Poland with as little compunction as honour, and with the unenviable certainty that their blustering was laughed at and despised in every court in Europe. I know that some of them have inordinate self-complacency; yet I will not be so uncandid as to conceal my honest opinion, that there is not among them a single man whose talents for great and commanding policy have either attracted or secured the confidence of any quarter of Europe. Do they boast of their vigilance? The dexterous surrender of Oczakow, as they now know, might have saved the fall and ruin of Poland. Do they boast of their vigilance? And had they no apprehension of the union between Austria and Prussia? Had they such perfect reliance on the moderation of Prussia—on his intimate friendship with, his gratitude to, his confidence in, our faithful Cabinet? Do they boast of their vigilance, and yet saw nothing of their present dread for Holland and Brabant, on the 30th of September, when, to the joy of every man whose heart is warmed with the love of freedom, the Duke of Brunswick retreated before the armies of France? Were they vigilant, not to foresee the consequences of that retreat; or did they still flatter themselves with the weak, the false hope, that the steadiness of men bred up in the trammels of tactics and discipline would be an overmatch for the impetuosity of those who were animated by the glorious flame of liberty? If so, the battle of Jemappes* ought, I should think, to have shown these vigilant men their error. That battle was fought on the 6th of November. On the same day the Government of the Netherlands took to flight, and the news arrived in England on the 10th or 12th. Now what did these vigilant Ministers? On the 17th, they prorogued Parliament to the 3rd of January, without even saying that it was then to meet for the despatch of business! And yet on these vigilant men we are to repose, although in the eyes of Europe, and in the hearts of Englishmen, an armament in their hands is a proof and an earnest of their future humiliation!

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* Louis Philippe, King of the French, then Duc de Chartres, and serving in the French army with the rank of General, distinguished himself on this occasion by the intrepidity and judgment which he evinced at a critical moment in rallying a body of troops which was shaken during the conflict, and leading it against the enemy. The immediate result of the battle of Jemappes was the conquest of Flanders.

"They call for subsidiary aid from the loyalty of the people, and to procure this they have recourse to history, and search out for the lucky frauds of former times: they find one of the most lucky frauds was the popish plot in the reign of Charles the Second. The same cry in the present moment they knew was impossible; but a similar one was feasible in the enmity against a republic. The Protestant Dissenters then, as now, were made the objects of terror, and every art was used to provoke the rage of ignorance and barbarity. The fraud was too successful. Many of my friends, from the best motives, were deluded into the snare; and that most calamitous of all measures, the proclamation,* unfortunately for England, met with their countenance. I cannot better describe this calamity than by reading a passage from an eminent historian, Ralph, on the fatal consequences of the delusion of the popish plot. By comparing my friends on the present occasion to the celebrated Lord Russell at that time, I think that I cannot pay a better compliment to them, or at the same time a more just and deserved tribute to the memory of that excellent person. Both, in consequence of their high integrity and attachment to the country, have become the dupes of deception. The passage is as follows:—'But there were persons, it seems, ready to adopt his (Oates's) intelligence, imperfect, chimerical, or fictitious, as it was, and to make use of it as a firebrand to light up such a flame of dissension as had like to have laid waste the kingdom; and of these, according to the distinction already made, some were weak, and some were wicked. The weak were those who thought popery the greatest mischief, that comprehended all others; who mistook prejudice for conviction, credulity for candour, and rigour for righteousness. These, however, meant well, though they acted ill; and, while doing the drudgery of a party, persuaded themselves they were saving the nation. The wicked were the master politicians of the times, who considered kings not as they were, good or ill in themselves, but as they were ill or good with respect to their own immediate views: now the plot, whether true or false, was formed of the happiest ingredients imaginable to advance their interest.'

"Now, Sir, let me address one word to my valued friends. I entreat them to reflect on the consequences of their recent delusion, not dissimilar to the above. The measure of the proclamation is now stated to be over—it has failed: let them avoid all further snares of the same kind. They will reflect on the necessity of union from the experience of the advantages which have flowed from it. They cannot feel more sensibly than I do the benefits of the cordial co-operation of that body of men who have, through the whole of the present reign, had to struggle with prejudice as well as enmity. Let them recollect the manner in which the present Ministers came into power: let them recollect the insidious attempts that have been made to disjoin them; and now that the fatal measure of the proclamation is over, let them avoid, I say, all further snares of the same kind. Of the declarations, which it is now the fashion to sign, I certainly cannot in general approve. Of all that I have seen, that of the Merchants of London appears best calculated to conciliate the approbation of constitutional men; but I see and hear on every side such violent doctrines, and such afflicting measures, as no man who is actuated by the wish of preserving peace in this country can subscribe to. A noble lord, (Fielding), for whom I have a high respect, says he will move for a suspension of the Habeas-Corpus Act. I hope not. I have a high respect for the noble lord; but no motive of personal respect shall make me inattentive to my duty. Come from whom it may, I will with my most determined powers oppose so dreadful a measure.

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* Issued on the 21st of May, 1792. *Vide ante*, p. 467.

"But it may be asked, what would I propose to do in times of agitation like the present? I will answer openly. If there is a tendency in the Dissenters to discontent, because they conceive themselves to be unjustly suspected and cruelly calumniated, what would I do? I would instantly repeal the Test and Corporation Acts, and take from them, by such a step, all cause of complaint. If there were any persons tinctured with a republican spirit, because they thought that the representative government was more perfect in a republic, I would endeavour to amend the representation of the people, and to show that the House of Commons, though not chosen by all, should have no other interest than to prove itself the representative of all. If there were men dissatisfied in Scotland, Ireland, or elsewhere, on account of disabilities and exemptions, of unjust prejudices, and of cruel restrictions, I would repeal the penal laws, which disgrace our statute-book. If there were other complaints of grievances I would redress them where they were really proved; but, above all, I would constantly, cheerfully, patiently listen. I would make it known that if any man felt, or thought he felt, a grievance, he might come freely to the bar of this House and bring his proofs: and it should be made manifest to all the world, that where they did exist, they would be redressed; where they did not, that it should be made evident. If I were to issue a proclamation this should be my proclamation: 'If any man has a grievance, let him bring it to the bar of the Commons' House of Parliament, with the firm persuasion of having it honestly investigated.' These are the subsidies that I would grant to Government. Instead of this, Government said, Suppress the complaint; check the circulation of knowledge; command that no man shall read; or that, as no man under one hundred pounds a year can kill a partridge, so no man under twenty or thirty pounds a year shall dare to read or think!

"I see in Westminster the most extraordinary resolutions of parochial meetings. In that city, with which I am intimately connected, and to which I owe high obligations, there have been resolutions and associations which militate against every idea that I was ever taught to entertain both of law and of the constitution. In the parish of St. Anne, Soho, at the head of which parochial meeting I see a much respected friend of mine, Sir Joseph Bankes, they have demanded a register of all the strangers living in the parish. In St. Clement's and elsewhere, publicans are threatened with the loss of their licenses if they shall suffer any newspapers to be read in their houses that they shall think seditious. Good God! where did justices find this law? I have always thought that there was no one thing of which the law was more justly jealous than the exercise of the discretionary power given to justices with regard to licenses, and that above all things it was not permitted them to suffer political motives to interfere in the giving or withholding them. And publicans, too, are to be made judges of libel! No newspaper or pamphlet is to be read but such as they shall determine to be free from sedition! No conversation is to be suffered but what they shall judge to be loyal! And yet in this very House, not more than a twelvemonth ago, when I brought in a bill with regard to libels, we all heard it asserted that the knowledge of what was a libel could not be safely left to the determination of twelve jurymen—it could be judged of only by sages in the law. How can these publicans be conceived capable of judging, or by what rule are they to act? Are they to take their opinions from these associations? They recommend to them that loyal paper called 'One Pennyworth of Advice,' in which, among other things, it is pretty plainly insinuated that it would have been well if Petion, the late mayor of Paris, had been assassinated when in England, and that it would be an excess of virtue to exterminate the Dissenters! Are they to be told that such writings as these are perfectly harmless and praiseworthy, but that discussions on the constitution, debating societies, (although, by the bye, I never knew London without debating societies, and I cannot see by what law any magistrate can interrupt their peaceable discussions), and all papers and conversations, where there are free opinions on the nature of government, are libellous? What, Sir, must be the consequence of all this, but that these publicans must decide that that is libellous which is disapproved of by Ministers for the time being, and by these associations, and that all freedom of opinion, and all the fair and impartial freedom of the press, is utterly destroyed!

"Sir, I love the constitution as it is established. It has grown up with me as a prejudice and a habit, as well as from conviction. I know that it is calculated for the happiness of man, and that its constituent branches of King, Lords, and Commons, could not be altered or impaired without entailing on this country the most dreadful miseries. It is the best adapted to England, because, as the noble earl truly said, the people of England think it the best; and the safest course is to consult the judgment and gratify the predilections of a country. Heartily convinced, however, as I am that to secure the peace, strength, and happiness of the country, we must maintain the constitution against all innovation; yet I do not think so superstitiously of any human institution as to imagine that it is incapable of being perverted: on the contrary, I believe that it requires an increasing vigilance on the part of the people, to prevent the decay and dilapidations to which every edifice is subject. I think, also, that we may be led asleep to our real danger by these perpetual alarms to royalty, which, in my opinion, are daily sapping the constitution. Under the pretext of guarding it from the assaults of republicans and levellers we run the hazard of leaving it open on the other and more feeble side. We are led insensibly to the opposite danger—that of increasing the power of the Crown, and of degrading the influence of the Commons' House of Parliament. It is in such moments as the present that the most dangerous, because unsuspected, attacks may be made on our dearest rights; for let us only look back to the whole course of the present administration, and we shall see that, from their outset to the present day, it has been their invariable object to degrade the House of Commons in the eyes of the people, and to diminish its power and influence in every possible way.

"It was not merely in the outset of their career, when they stood up against the declared voice of the House of Commons, that this spirit was manifested, but uniformly and progressively throughout their whole ministry the same disposition has been shown, until at last it came to its full, undisguised demonstration on the question of the Russian war, when the House of Commons was degraded to the lowest state of insignificance and contempt in being made to retract its own words, and to acknowledge that it was of no consequence or avail what were its sentiments on any one measure. The Minister has regularly acted upon this sort of principle: 'I do not care what the House of Commons may think, or what may be thought of them. It is not their verdict that is to acquit me in any moment of difficulty or any hour of trial. I will agitate the people without: I will see whether they will bear me up in my measures; and, as for the House of Commons, if, in the height of their confidence in me, they shall be made to say one thing to-day, I will make them, with equal ease and without regard to their character, say another to-morrow.' Such is the true English of the principle of the right honourable gentleman's conduct, and this principle he has constantly acted upon, to the vilification of the popular branch of the constitution. And what is this, Sir, but to make it appear that the House of Commons is, in reality, what Thomas Paine, and writers like him, say it is, namely, that it is not the true representative and organ of the people? In the same way, and by the same language, might Thomas Paine bring a slander upon our Courts of Law, and upon the trial by jury. In the same tone, he might assert: 'Do not tell me what a jury of twelve men may say of my book: do not tell me what these associations say: I reject all tribunals, either constituted by legal authority, or self-erected: give me the people for my judges, and I will prove that my doctrines are agreeable to them.' Such language would square completely with that of Ministers, and constantly have they resorted to the dangerous innovation of supporting themselves, without regard to the opinion of the House of Commons, by appeals one day to the Crown, the next to the lords, and the third to the people, uniformly striving to exhibit Parliament in the disgraceful and pitiful light of complete incapacity. Is it not wonderful, Sir, that all the true constitutional watchfulness of England should be dead to the only real danger that the present day exhibits, and that they should be alone roused by the idiotic clamour of republican phrenzy and of popular insurrection which do not exist?

"Sir, I have done my duty. I have, with the certainty of opposing myself to the furor of the day, delivered my opinion at more length than I intended, and perhaps I have intruded too long on the indulgence of the House. [A general cry of "Hear him!' bespoke the perfect attention of the House.] I have endeavoured to persuade you against the indecent haste of committing yourselves to these assertions of an existing insurrection, until you shall have made a rigorous inquiry where it is to be found; to avoid involving the people in the calamity of a war, without at least ascertaining the internal state of the kingdom; and to prevent us from falling into the disgrace of being, as heretofore, obliged perhaps in a week to retract every syllable that we are now called upon to say. To carry this into effect I shall move, that after the first sentence of the proposed motion, 'That an humble address be presented to his Majesty, humbly to thank his Majesty for his most gracious speech from the throne,' the following words be substituted in the room of all that follow in the original motion:—

"To express to his Majesty our most zealous attachment to the excellent constitution of this free country, our sense of the invaluable blessings which we derive from it, and our unshaken determination to maintain and preserve it.

"To assure his Majesty that, uniting with all his Majesty's faithful subjects in these sentiments of loyalty to the throne, and attachment to the constitution, we feel in common with them the deepest anxiety and concern, when we see those measures adopted by the Executive Government, which the law authorizes only in cases of insurrection within this realm.

"That his Majesty's faithful Commons, assembled in a manner new and alarming to the country, think it their first duty, and will make it their first business, to inform themselves of the causes of this measure, being equally zealous to enforce a due obedience to the laws on the one hand, and a faithful execution of them on the other."

Mr. Fox's amendment was opposed by Mr. Windham, Mr. Secretary Dundas, Mr. Burke, Mr. Anstruther, the Attorney-General, Sir John Scott, and the Solicitor-General, Sir John Mitford. It was supported by Mr. Grey, Mr. Sheridan, Mr. Thomas Grenville, and Mr. Erskine. At the close of the debate, which lasted till three in the morning, Mr. Fox said, "that much of what he had said had either been misrepresented or misunderstood in the course of the debate. The application which had been made to him to withdraw his amendment, however he respected the quarter from which it came, he must resist. After the sentiments which he and other gentlemen had expressed, unanimity was impossible: unanimity on the present occasion, he must own, was what he should deprecate. He gave notice, that he should attend to-morrow to propose an amendment upon the report."

On a division, the address moved by the Lord Mayor was carried by a majority of 240; the numbers being 290 to 50.

December 14.—The Lord Mayor brought up the report on the address agreed upon last night. After the address had been read a second time,

Mr. Fox said, "that as this was in some measure a continuation of a former debate, he should take the opportunity to reply to several arguments that had been urged against him. Some gentlemen had blamed him for having proposed an amendment to the address when unanimity of sentiment was so much to be desired; but he had acted according to his feelings, and others had sacrificed their feelings to unanimity. Those who had thus censured him had censured Ministers for being neutral respecting France; and he censured them for the same neutrality, though from very different motives. So far was he from thinking that Ministers deserved praise in that respect, that he thought the House of Commons ought to impeach them. His opinion was, that from the moment they knew a league was formed against France, this country ought to have interfered: France had justice completely on her side, and, by a prudent negotiation with the other powers, we might have prevented the horrid scenes which were afterwards exhibited, and saved, too, the necessity of being reduced to our present situation. We should by this have held out to Europe a lesson of moderation, of justice, and of dignity, worthy of a great empire; this was his opinion with respect to the conduct which ought to have been adopted, but it was what Ministers had neglected. There was one general advantage, however, resulting from this; it taught the proudest men in this world that there was an energy in the cause of justice which when once supported, nothing could defeat. Thank God, nature had been true to herself; tyranny had been defeated, and those who had fought for freedom were triumphant!

"Indeed, all those who spoke in support of Ministers in the debate of last night, had insisted that France had formed views of aggrandizement and general dominion. If so, why thank the King's Ministers for their neutrality, when, if they are right now, upon their own principle, they should have formerly interfered to have checked their career? He insisted that it was impossible, without an abandonment of all consistency, to approve of the present address. Whoever conceived him to be of opinion that the aggrandizement of France was matter of indifference to this country mistook him grossly. France certainly had aggrandized herself. She had disappointed the predictions of that gentleman, who, during the last session, in speaking of the opponents of Great Britain on the continent, had exclaimed, 'There is no danger from any quarter! looking into the map of Europe, I see a chasm once called France.' That chasm, however, the gentleman must now confess was filled. No longer would he be able to speak of the inhabitants of that nation as having once been famous—'Gallos olim bello floruisse.' They had conducted themselves in such a manner as to induce him to be of opinion, that the power of France might be formidable to this country. She was formidable under her monarchy, when in alliance with Spain, and in friendship with Austria. But France, with finances almost ruined—France, at enmity with Austria, and certainly not in amity with Spain, was much more formidable now: she was formidable now from her freedom, the animating effects of which were beyond the calculation of man. All the inhabitants of Europe, who felt anything in the cause of freedom, sympathized with the French, and wished them success, regarding them as men struggling with tyrants and despots, while they were endeavouring to form for themselves a free government. But, perhaps, he should be told that France had not a free government. In order to shorten that question for the present, he would say, in the words of a certain author, that 'a free government for all practical purposes is that which the people consider as such;' so it was with the French during the whole of the last campaign: they had been successful on account of the nature of their cause. Courage, and all the bolder virtues, naturally attended freedom. Let us not foolishly continue the absurd prejudice, that none but Englishmen deserve to be free. Liberty had no attachment to soil; it was the inheritance of man over every part of the globe, and, wherever enjoyed, it always produced the same effects.

"With these sentiments, he could not but be of opinion that the conduct of Great Britain ought to be peculiarly prudent, and, above all, strictly just: she ought immediately to acknowledge the Government of France, and to adopt all honourable means of procuring peace: she ought to weigh all the consequences of a war, to view with a scrutinizing eye the nature and extent of her resources at home, and to ascertain the degree of assistance which she might expect from her allies: she should most certainly consider well the situation of Ireland. Much had it surprised him last night that a gentleman, who from his situation ought to be something of a statesman,* had asserted that the state of Ireland ought not to be alluded to. What! was not the condition of Ireland to be considered in a question that implicated a war? Indeed it ought to be, and seriously and solemnly too. It ought to be considered, that in that country there were millions of persons in a state of complete disfranchisement, and very little elevated above slaves. Would any man in his senses suppose that hearty support could be expected from that kingdom in the event of a war? Indeed, indeed, the blood and treasure of this country ought not to be lightly risked. The time was come when

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* Mr. Dundas, Secretary of State for the Home Department.

Ministers would not perhaps think it prudent to go to war on the mere prerogative of the Crown; they would think the approbation of Parliament and of the people necessary, indispensably necessary; but it remained with the House to consider whether a war ought to be entered into at all; and if so, whether it ought to be conducted by those who composed the present Administration? It ought to be considered also how small would be the effect which they were capable of producing in the courts of Europe. What court, he would ask, would be elevated by their promises, or intimidated by their menaces, after their conduct with regard to Russia? It should be considered, likewise, that it was doubtful whether our allies would rely on us, or whether we could rely on them. The retreat of the Duke of Brunswick he did not believe depended on us, but was such a consequence as the poet had described—

'Ask why from Britain Cæsar would retreat?
Cæsar himself might whisper, he was beat.'

On Prussia, in spite of the near connexion that subsisted, he did not think that this country could entirely depend, for domestic occurrences in that kingdom might render it unable to afford us much assistance. On the Emperor no reliance was to be placed at all.

"Having thus stated some reasons flowing out of the situation of the allies of Great Britain and of Ireland, he begged to advert to some other circumstances. The cause of a war, at least the apparent one, would be the invasion of Holland by the French. In Holland, it ought to be remembered, that there were persons disaffected to the Stadtholderian Government, who possessed no small degree of power. These persons could not certainly be expected to approve of the war. But much reliance had been placed on Amsterdam. The aristocratic principles of that city would, it was said, be in unison with the war, and the opening of the Scheldt would procure from Amsterdam efficacious support to Great Britain. To those who used this argument, he begged leave to suggest the case of Brabant. The clergy of Brabant, who had the ear of the people, were supposed, with reason, to be inimical to the progress of the French arms, which would most probably curtail their immense possessions. This aristocracy of the clergy, however, was of no avail; for as soon as the French approached, the people of Brabant received them with open arms. If such effects had been produced in that country, might not the same be produced in Amsterdam?"

Mr. Fox next adverted to the present condition of this country. "Insurrections were alleged to exist, and one honourable gentleman had last night declared, that wherever he went he discovered a spirit of disaffection and discontent. To the virtues and talents of his honourable friend (Mr. Windham) he begged to avail himself of the opportunity of paying a small tribute. To the soundest heart he joined the clearest head; and while no man possessed more honourable principles, few, very few, could boast of an understanding so comprehensive, vigorous, and acute. In short, to sum up his honourable friend's character in a few words, he was the representative of that most excellent patriot, the late Sir George Savile. With this opinion, however, of his honourable friend, he could not assent to his declaration of the existence of a spirit of disaffection and discontent. As far as he had been able to judge, he had not made any discovery of so alarming a nature. But, if it was true, if there was some foundation for the report of the disaffection of the lower orders of the people, it became a serious point to determine whence, in case of war, recruits were to be expected for the army and navy. Having stated this, he did not mean to use it as an argument against a war, because he disbelived *in toto* the existence of such disaffection and discontent. He had argued on the impropriety of a war from positive facts, and incontrovertible reasoning.

"The next object of his consideration was the state of Scotland. In the debate of last night the right honourable secretary (Mr. Dundas) had in a manly manner acknowledged that he had lost part of his popularity, although from all that he had heard of him, and had an opportunity of observing in private, there was no man possessed of powers better adapted to conciliate esteem than that right honourable gentleman; but the truth was, the people of Scotland had been treated with shameful indignity; that House had scandalously refused to hear them, pretending to know what they wanted better than themselves. Those acquainted with Scotland had affirmed that Mr. Paine's works had greater influence there than in the southern parts of the United Kingdoms; that they were read by all descriptions of people, particularly the lower class; and that because the lower class in Scotland were more learned than the same class in England, few or none being so ignorant as not to read, and digest what they read, the promulgation of the new doctrines was consequently more alarming. This appeared to him a very extraordinary mode of reasoning. It insinuated, that the only way to secure the constitution was to keep the people in darkness and ignorance—to replunge them into all the barbarities of the most savage ages. An excellent defence, truly, of our admirable constitution! Whether the lower class of society in Scotland were more learned or not than the same description in England, he would not now attempt to argue. But he would maintain that the reason advanced was false. It was not on account of their superior learning that they appeared more disaffected, but on account of the enormity of their practical grievances, which provoked them to a just remonstrance. Their manly appeal ought, therefore, to be treated with all the respect due to fellow-subjects, whose exertions had often added to our national fame and honour. All these considerations operated as reasons for our taking time to consider upon this important business.

"But now the question came, How were the calamities of war to be avoided in this case? He would answer—By negotiation. Open a negotiation with the republic of France, and try every step that can be taken, before you expose your country to the horrors of war. This," he said, "was the duty of Government. With the Minister, perhaps, the season of negotiation might be past; but it was not past with the House of Commons, which ought not to be implicated in the crime. If he were asked when the Minister ought to have negotiated, he would inform him. He should have negotiated to prevent the invasion of the Duke of Brunswick. Perhaps he did nothing. This, however, he was certain that he did—he prorogued the Parliament; he appeared careless about the conquest of Brabant and Flanders, which were, in a manner, the gates of Holland; and he seemed to have reasoned thus: ‘The town I will defend, but anybody may possess the gates who pleases.’ Perhaps, indeed, the ambassador from the republic of France would not be fine enough in his appearance to figure in our drawing-room, and, therefore, we must not endure the thought of a negotiation. If that was the case, Ministers should say so, in order that the good people of England might know the important reason why their blood must be spilt and their treasure squandered. If so, ‘the age of chivalry’ was revived with a vengeance; but he trusted that some more substantial reason would be given for going to war, and that whenever we did go to war, the Minister would have to say to the public, ‘We have tried the effect of a negotiation and pacific expressions, but to no purpose:’ then they might expect a general concurrence, but until then they would certainly be inexcusable in proceeding to hostilities.”

Alluding to Mr. Burke's speech last night, he declared, “that he did not think he had been treated with civility by that right honourable gentleman. It had been said by that gentleman that he had advanced facts which he did not believe; now, he had thought that his right honourable friend knew him too well to suppose that he ever asserted what he did not believe. In fact, he had last night declared that he would not make assertions with respect to particular cases, from an apprehension that those cases might not be founded in truth. The reasoning his right honourable friend had adopted on account of this delicacy was perfectly novel. He had also been accused by him of using more of invective than argument. On this head he was perfectly sure that he had not carried his invective further than the right honourable gentleman, who could not have forgotten that he had been obliged to descend to hell for similes and figures of speech with which to stigmatize the governors of the French nation. Among some exceptionable characters, he had classed and reprobated M. Roland, a man, as he believed, eminent for many virtues.* How far such invective tended to conciliate France it required little deliberation to determine. Could his right honourable friend suppose that such gross insults and injuries would be forgotten or forgiven by persons of spirit and capacity? The peevishness which disgraced their discussions, when they were talking of the concerns of France, would irritate, but could never reconcile.”

Mr. Fox then proceeded to enforce the propriety of negotiation. “So well convinced was he that every hour we delayed this negotiation was a loss to us, that he would move to-morrow an address to his Majesty to treat with the Executive Government of France. This he should do with more conviction of its propriety than hope of its success; but that consideration should not slacken his efforts: all the world would acknowledge the propriety of it by and by, although so many affected to despise it now.* He had been the first to throw off the prejudice which was once so general in this country against the infant freedom, and afterwards independence, of America. Gentlemen should recollect that although it was once fashionable to talk of 'a vagrant Congress,' of 'one Adams,' of 'Hancock and his crew,' England had, in the end, been obliged to acknowledge the sovereignty and independence of America. The same thing might happen with respect to the French republic, and it would be better that we should send a minister to France immediately on the meeting of Parliament, than perhaps after that event should have taken place which he most earnestly deprecated, and should most heartily deplore. He was old enough to remember the names of Washington and Adams, those two great and noble pillars of republicanism, loaded with abuse. He was old enough to remember when their remonstrance on behalf of the American States was treated with contempt. Dr. Franklin was, on that occasion, abused without mercy by a learned gentleman; and yet, shortly after all this contempt, these two gentlemen contributed to the forming for the people who enjoyed it, the first constitution in the world—for them most certainly the best form of government upon earth, for such he would venture to say was the government of America. Shortly after this he, as Secretary of State, sent over to America to treat with this very Dr. Franklin on behalf of this country; this he must have done with an ill grace if he had joined in the abuse of that gentleman, and therefore he did not wish to be forward in showing his contempt. In short, the republic of France was that which we must acknowledge sooner or later; and where was the difficulty of acknowledging it now? Was not the republic of this country readily acknowledged at the time of Cromwell? Did not courts vie in their civilities to our new form of government after the execution of Charles the First? An execution which, whatever difference of opinion might be entertained about it, had infinitely less injustice in it than that which, he feared, was about to be inflicted on the late unhappy monarch of France; but he hoped a deed so foul would not be committed.†

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* For the character of M. Roland, see Alison's Hist. of Europe, vol. ii. p. 312, seventh edition.

"His right honourable friend had said yesterday, 'What, are we to receive an ambassador reeking with the blood of innocent men, and perhaps even of the King of France?' " Mr. Fox said, "his answer to this was, that should the French proceed to extremities against that unfortunate monarch, he should consider it as an act which would be for ever a disgrace to their nation, and which every man must deplore; but still he could not think that we were therefore never to have any connexion with France. He wished that if their objection to receive one at present was, that they did not know how to introduce a French minister into the King's drawing-room, that they would fairly avow it, to the end that the people of England might see that their blood and treasure were to be sacrificed to a mere punctilio."

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* On the following day, the 15th of December, Mr. Fox made his promised motion for an address to the Crown to send a minister to Paris to treat with those persons who exercised provisionally the Executive Government of France, but it was negatived without a division.

† On the 3rd of December, 1792, the National Convention declared that Louis XVI. should be tried by it. The articles of impeachment were laid before the Convention on the 10th, and Louis was ordered to appear on the following day. On the 15th of January, 1793, he was pronounced guilty of conspiracy against the liberty of the nation, and of crimes against the general safety of the state. He was condemned to death on the 17th, and executed on the 21st of the same month.

After pathetically lamenting the fate of that unhappy family, he returned to the affairs of France, as they were likely to affect this country. "We wanted to check the aggrandizement of France: perhaps not to go to war with them was to check their aggrandizement, for their cause upon the continent was popular. They said, 'that all governments were their foes.' This was but too true, and had been of popular service to them; but that which served them most of all was, the detestation which all Europe had entertained for the principles of the leaders of the combined armies. They had neither honour nor humanity. When the brave but unfortunate La Fayette, by the pressure of irresistible circumstances, fell into their possession, instead of receiving him as a gentleman, with the dignity that was due to his distress, they seized him with fury, locked him up like a felon, and cruelly continued to keep him in custody, in defiance of the wishes and compassion of us all, and in a manner that must provoke the indignation of every virtuous man in Europe. But this gentleman had always been a friend to liberty, and that was enough to excite their hatred." Mr. Fox concluded with moving an amendment to the address, by inserting these words:—"Trusting that your Majesty will employ every means of negotiation, consistent with the honour and safety of this country, to avert the calamities of war."

The amendment was opposed by Mr. Burke, Mr. Yorke, Lord Carysfort, Mr. Secretary Dundas, Mr. Powys, and Mr. Wilberforce; and supported by Mr. Sheridan and Mr. Adam. It was negatived without a division; after which the report on the address was agreed to by the House.

ADDRESS ON THE KING'S MESSAGE RESPECTING THE DECLARATION OF WAR BY FRANCE.

The execution of Louis the Sixteenth, on the 21st of January, 1793, brought matters to a crisis between England and France;* and on the 24th of the month, Lord Grenville notified to M. Chauvelin, the French ambassador at London, that as the character with which he had been invested at this Court, and the functions of which had been so long suspended, were now entirely terminated by the execution of his late Most Christian Majesty, he had no longer any public character here. He was, therefore, ordered to leave this country within eight days.* On the 1st of February, the National Convention declared war against Great Britain and Holland.†

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* The decree of the 19th of November, 1792, was followed up by another, which passed the Convention on the 15th of December. By this celebrated manifesto, the National Convention ordered the generals to proclaim, in the name of the French people, in all those countries which were, or should be, occupied by the French armies, the sovereignty of the people, the suppression of all existing authorities, the abolition of

February 12. On the 11th of February, Mr. Secretary Dundas presented the following message from his Majesty :—

"George R.

"His Majesty thinks proper to acquaint the House of Commons that the assembly now exercising the powers of government in France, have, without previous notice, directed acts of hostility to be committed against the persons and property of his Majesty's subjects, in breach of the law of nations, and of the most positive stipulations of treaty; and have since, on the most groundless pretences, actually declared war against his Majesty and the United Provinces. Under the circumstances of this wanton and unprovoked aggression, his Majesty has taken the necessary steps to maintain the honour of his Crown, and to vindicate the rights of his people; and his Majesty relies with confidence on the firm and effectual support of the House of Commons, and on the zealous exertions of a brave and loyal people, in prosecuting a just and necessary war; and in endeavouring, under the blessing of Providence, to oppose an effectual barrier to the farther progress of a system which strikes at the security and peace of all independent nations, and is pursued in open defiance of every principle of moderation, good faith, humanity, and justice.

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tithes, and all subsisting taxes and imposts, of all feudal and territorial rights, of all the privileges of nobility, and exclusive privileges of every description. It announced to all their subjects liberty, fraternity, and equality; invited them to form themselves forthwith into primary assemblies, to elect an administration and provisional government, and declared that it would treat as enemies all persons who, refusing or renouncing these benefits, should be desirous of preserving their prince and privileged castes.—Alison's Hist. of Europe, vol. iii. pp. 176, 177, and 228, seventh edition. In January, 1793, the Childers, sloop of war, cruising off Brest, without a flag displayed, came within three-quarters of a mile of the port, when a shot was fired from the batteries, which fortunately passed over her without damage. The English flag was immediately hoisted; in answer to which the French displayed the national colours, with a red flag, declaratory of war, over them. The sea was calm and the tide setting in shore; the Childers endeavoured, by rowing, to extricate herself from her perilous position; but a cross fire was opened by signals from the batteries, and the vessel must have been destroyed had not a breeze providentially sprung up, which enabled her to escape.—Adolph. vol. v. p. 338. For the correspondence that passed between Lord Grenville and M. Chauvelin, see Parl. Hist. vol. xxx. pp. 239—270.

* On the 23rd of January, being the day before M. Chauvelin was desired by the British Government to quit this country, an order was sent to him from the French Government to return to France.

† See the Declaration, Annual Register, vol. xxxv. p. 139, *et seq.*

"In a cause of such general concern his Majesty has every reason to hope for the cordial co-operation of those powers who are united with his Majesty by the ties of alliance, or who feel an interest in preventing the extension of anarchy and confusion, and in contributing to the security and tranquillity of Europe. "G. R."

On the following day an address, in reply to the message, was moved by Mr. Pitt, and seconded by Mr. Powys.

Mr. Fox said, "that on an occasion so important, and not fearing the charge of pusillanimity from considering the present crisis as highly alarming, it would ill become the duty which he owed to his constituents and to the nation, were he to decline meeting the imputation of being the abettor of France, with which he was already menaced; or, by the bold misconstructions of his sentiments and arguments to which he had been accustomed, be deterred from examining and stating what was the true situation in which the country was involved in war. He had never accused the honourable gentleman who seconded the address of a systematic opposition to Ministers, nor of acting upon any system; but he called upon him to name those persons in the House, if any such there were, whom he meant to include under the description of supporters of the French system. The honourable gentleman knew that just so were those treated who opposed the folly and injustice of the American war. Yet, notwithstanding their being long and industriously misrepresented as the abettors of rebellion, a band of as patriotic and as honourable men as ever deserved public gratitude by public services, by some of whom he trusted he should be supported in opposing the address now moved, united their abilities to put an end to that war, and at length succeeded.

"The right honourable gentleman who moved the address had stated the origin and necessity of the war, on grounds widely different from those assumed by the honourable gentleman who seconded it. The latter had said, that the power of France, under every change of men and circumstances, was a monster whose hand was against all nations, and that the hand of every nation ought to be against France; the former, that the cause of the war was not our general bad opinion of France, but specific aggressions on the part of France. So far the difference was great with respect to our immediate situation of being actually at war; and it was still greater when we came to inquire into our prospect of peace. If we were at war because France was a monster whose hand was against all nations, it must be 'bellum internecinum'—a war of extermination; for nothing but unconditional submission could be adequate to the end for which the war was undertaken, and to that alone must we look for a safe or honourable peace. If, on the contrary, we were at war on account of a specific aggression, for that aggression atonement might be made, and the object being obtained, peace might be concluded. He therefore hoped, that the right honourable mover of the address was sincere in the statement he had given, although he had failed in making out the grounds on which he endeavoured to support it. Few of those, he trusted, who had been most zealous in recommending the expediency of this war, wished it to be a war of extermination—a war for extirpating French principles, not for circumscribing French power; yet all their arguments tended to alarm him. They never talked of the danger of French power without introducing as a danger more imminent, the propagation of French principles. The honourable gentleman asked, if he could be expected to make terms with a highwayman, or to take the highwayman's purse as a satisfaction for the attack upon his own. Certainly not. The honourable gentleman knew his duty to society better than to let the highwayman escape, if he had the means of bringing him to punishment. But this allusion showed that the war with France was, in the opinion of the honourable gentleman, a war of vindictive justice. We said, that our object in going to war was not to effect a change in the internal government of France, but to weaken her power, which, in its present state, was dangerous to us, our allies, and to Europe; and that object obtained, we were willing to make peace. But would any man say, that when he had disarmed a highwayman, it was safe to leave him free to get other arms? No man, certainly; and no more, on this principle, could we, in any state of humiliation to which the power of France might be reduced, leave her at liberty to recruit that power, and to renew aggressions, to which we contended she must have the inclination whenever she had the means. The honourable gentleman might support Ministers for any reasons that to himself seemed good—either because he thought them wise or ignorant, honest or dishonest; but he had no right to accuse those who thought differently from himself of sowing disaffection among the people, because they wished to inform the people what were the true grounds of the war which they were called upon to support with their property and their lives. The honourable gentleman rejoiced that the public entertained a more favourable opinion of Ministers, in the present crisis, than Ministers deserved. Did he mean to argue, that when Ministers, by their misconduct, had brought the country into danger, and the people, ignorant of their true characters, were disposed to think well of them, the House of Commons, who knew better, should endeavour to continue, instead of removing, their delusion? His doctrine would then come to this—that implicit confidence in Ministers, so often and so justly reprobated, was the first duty of the House; that they had nothing to watch, and ought never to inquire. Monarchy, it was truly said, was the corner-stone of our constitution, and of all the blessings we enjoyed under it; but it was not the only corner-stone; there was another fully as important—the constant jealousy and vigilance, both of the people and their representatives, with respect to all the acts of the executive power."

Mr. Fox said, "he felt himself considerably disappointed at the conduct of his Majesty's Ministers. He had flattered himself, that when unanimity was so very desirable, they would have brought down a message from his Majesty calculated to insure it; that they would not have considered a triumph over the very small number to which they boasted of having reduced their opponents, to be a matter of such consequence as to call for an address to which they knew those few opponents could not agree, because to do so must preclude them from all subsequent inquiry. If they had moved an address, simply pledging the cordial co-operation of the House in prosecuting a just and necessary war, for the purpose of a safe and honourable peace; to such an address, whatever might have been his opinion of the previous conduct of Ministers—whether he had thought it temperate and conciliatory, or arrogant and provoking—he should have agreed. But the House was now called upon to vote, that Ministers had given no cause or provocation for the war; to say, that they would enter into no investigation of its origin; to give them an indemnity for the past, and a promise of support for the future. This was the manifest tendency of the address; and to prevent the want of unanimity which such an address could not but occasion, he should move an amendment, in which even the warmest advocate of the war might concur, because it expressed no disapprobation of Ministers, as theirs ought to have expressed no approbation.

" But, first, he must examine the alleged causes of the war. He would not enter into any of the common-place arguments on the miseries and calamities inseparable from war. He did not mean to call them common-place arguments in the bad sense of the words, for they were truths so familiar to the minds of men, that they were never listened to without assent; and however unnecessary it might be to enforce them by eloquence, or amplify them by declamation, their being universally admitted was sufficient to prove that war should never be undertaken when peace could be maintained without breach of public faith, injury to national honour, or hazard of future security. The causes of war with France were in no respect different now from what they were under the governments of Louis the Fourteenth or Louis the Sixteenth. What, then, were those causes? Not an insult or aggression, but a refusal of satisfaction when specifically demanded. What instance had Ministers produced of such demand and of such refusal? He admitted, that the decree of November the 19th* entitled this country to require an explanation; but even of this they could not show that any clear and specific explanation had been demanded. Security that the French would not act upon that decree was, indeed, mentioned in one of Lord Grenville's letters, but what kind of security was neither specified, nor even named. The same might be said with respect to the opening of the Scheldt, and their conquest of Brabant. We complained of an attack on the rights of our ally; we remonstrated against an accession of territory, alarming to Europe; but we proposed nothing that would be admitted as satisfaction for the injury; we pointed out nothing that would remove our alarm. Lord Grenville said something about withdrawing their troops from the Austrian Netherlands; but if by that was understood a requisition to withdraw their troops while they were at war with the Emperor, without any condition that such evacuation of territory conquered from the enemy was to be the price of peace, it was such an insult as entitled them to demand satisfaction of us. The same argument applied to the conquest of Savoy from the King of Sardinia,* with whom, in his opinion, they were at war as much as with the Emperor. Would it be said, that it was our business only to complain, and theirs to propose satisfaction? Common sense must see that this was too much for one independent power to expect of another. By what clue could they discover what would satisfy those who did not choose to tell with what they would be satisfied? How could they judge of the too little or the too much? And was it not natural for them to suppose that complaints for which nothing was stated as adequate satisfaction, there was no disposition to withdraw? Yet on this the whole question of aggression hinged; for, that the refusal of satisfaction, and not the insult, was the justifiable cause of war, was not merely his opinion, but the opinion of all the writers on the law of nations; and how could that be said to have been refused which was never asked? He lamented that at a time when the dearest interests of the country were at stake, the House should have felt so little concern as to deprive him of the opportunity of making the motion of which he had given notice, for want of a sufficient attendance to ballot for an election committee. By that motion he meant to press for a distinct and specific declaration of the causes of the war; and had he succeeded, it would have had this good effect, that both we and the enemy should have known the grounds of contest, have been able to appreciate them, and the war might have been but of short duration. There was much in the decree by which the French declared war, which could not be fairly alleged as just cause of war. But, under the former good Government of France, was it unusual to crowd into a manifesto setting forth the causes of war, every complaint that could be imagined, good, bad, and indifferent? It was, indeed, to be wished, that nothing should be introduced into such declarations but what was at once true and important; but such had not yet been the practice of statesmen, who seemed more attentive to the number than the validity of their complaints. In the year 1779, the Spanish declaration was swelled to a hundred articles; and to examine every article of the present French declaration would only show that those who now exercised the Executive Government were not wiser than their predecessors.

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* *Vide ante,* p. 476, note.

"To have suffered Earl Gower to remain at Paris, after the 10th of August, would have implied no recognition of the Government that succeeded that to which he had his formal mission, any more than to have negotiated with that Government in the most direct and safe way, in preference to one that was indirect and hazardous. But the right honourable gentleman, who could not get rid of the idea of recognition, exclaimed, 'Would you recognise a Government which, by its own confession, is no Government; which declares itself only provisional till a Government can be framed?' This, he would answer, was the safest of all recognitions, if a recognition it must be; for the Government being only provisional, we could only be understood to recognise provisionally, and were at liberty to act as the case might require, with any other power that might arise in its stead. But, did not history show us, that to treat and to recognise were not considered as the same? Did we not treat with Philip of Spain, as King, at the very time that we were at war to dispute his succession; and was not the recognition of his title, far from being considered as admitted by us on that account, actually stipulated as an article of the peace? Did not France, when at war to dispute the accession of William III. to the throne of England, treat with him as King, and was not the recognition of his title also made one of the conditions of peace? Still, however, he would admit, that withdrawing our minister, or not sending another, was not a just cause of war on the part of France; but could it be denied that to treat one nation in a manner different from others was a symptom of hostility? The recalling of ministers was certainly once considered as an indication of war, for the commercial treaty provided for a case where no war was declared but by such recall."*

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* See Alison's Hist. of Europe, vol. iii. p. 230, *et seq.*, seventh edition. On the 27th of November, 1792, the whole of Savoy had been incorporated with France, under the name of the Department of Mont Blanc.

Mr. Fox said, "that none of the alleged grounds in the French declaration could be more absurd, than that the circulation of their assignats† were prohibited in this country; for that was purely a measure of internal regulation, as much as it would be to prohibit the circulation of paper issued among ourselves that perhaps stood on a much surer capital. But even here we were not quite impartial; for although that paper was called worth nothing which at present brought fourteen pence halfpenny for half-a-crown, the paper created by that gigantic act of swindling, the assignats issued by the leaders of the combined armies, were not certainly worth more, but we had not thought it necessary to forbid the circulation of them; we had not prohibited the circulation of American paper even during the war, nor was it at all necessary; such paper wanted no prohibition. We had the right to prohibit it if we pleased, but we did not like assigning one reason for a thing when we evidently acted from another. The prohibiting the exportation of foreign corn to French ports, while it was free to other countries, it was said, arose from preceding circumstances: and according to these circumstances it might be a justifiable or an unjustifiable act of hostility, but it was an act of hostility so severe, that the circumstances which justified it would have justified a war, and no such circumstances, as he had already proved, could be shown.

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* See Art. II. of Treaty of Commerce and Navigation between England and France, signed at Versailles, on the 26th of September, 1786, Annual Register, vol. xxviii. p. 267.

† In consequence of the embarrassed state of the French finances, the Constituent Assembly, upon the proposal of Talleyrand, then Bishop of Autun, came to the determination to appropriate to national purposes the landed property of the Church, which was above a third of the whole landed property of the kingdom. Shortly afterwards, to relieve the necessities of the State, the sale of church and crown lands, to the amount of 400,000,000 livres, or £16,000,000 sterling, was decreed. As the effect of offering for sale at one time so large a portion of the surface of France would have been to overload the market with land, and to depreciate its price, it was determined that the land should be transferred, in the first instance, to the municipalities, which were empowered to issue notes, called assignats, as a security for the purchase money. With these the State was to pay its creditors. The notes were called *assignats*, as representing land which might be transferred or *assigned* to the holder; and those which came back in this manner to the Government, in payment for national lands, were to be cancelled. In consequence of the great amount to which assignats had been issued (already amounting to upwards of two thousand five hundred millions of livres), they became greatly depreciated. By 33 Geo. III. c. 1, their circulation in this country was prohibited. Alison's Hist. of Europe, vol. ii. pp. 191 and 208, seventh edition.

"The Alien Bill* was not a just cause of war, but it was a violation of the commercial treaty, both in the letter and the spirit. The right honourable gentleman said, that the French had made regulations in their own country by which the treaty had been already completely broken and at an end. But did he complain of those regulations? for it was expressly provided by the treaty itself, that no violation should put an end to it, till complaint was made, and redress refused. But here lay the important difference. The French made no regulations that put aliens on a different footing from Frenchmen. They made general regulations of safety and police, as every nation had a right to do. We made regulations affecting aliens only, confessed to be more particularly intended to apply to Frenchmen. It was admitted, that the French desired an explanation of these regulations, and that an explanation was refused them. By us, therefore, and not by the French, was the commercial treaty broken.

"Our sending a squadron to the Scheldt they complained of as an injury.

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* By the Alien Act, 33 Geo. III. c. 4, it was enacted, that on the arrival of every vessel in this kingdom, the master or commander should deliver a written declaration to an officer of the customs, containing the name, rank, occupation, and description of every foreigner (if any) on board. Aliens were not to import arms or ammunition, except as merchandize. Those who had been prohibited by the King in Council were not to land without express permission, nor were any to depart without a passport. One of the Secretaries of State was empowered, by warrant, to expel aliens from the kingdom when it was apprehended they would be disobedient to proclamations or orders in council; and the King, by proclamation or order in council, was authorized to order them to dwell in such place as he might think necessary for he public security. Housekeepers, when required by a magistrate, were to give a escription of aliens residing with them. Those who had arrived in this kingdom ince 1st of January, 1792, or who should arrive during the continuance of the ct in question, were to render an account of all arms, weapons, gunpowder, and mmunition in their possession, of which the magistrate might deprive them if he hought fit; and one of the Secretaries of State might issue warrants for searching heir dwellings. All these enactments were enforced by severe penalties, extending ven to transportation. The act was to continue in force until the 1st of January, 794, and from thence to the end of the then next session of Parliament.

And here the right honourable gentleman introduced the popular topic of their charming operations in Belgium; the disturbance of which they thought themselves entitled to resent as an aggression. He was as little disposed to defend their operations in Belgium as the right honourable gentleman, although he saw not for what purpose they were here alluded to, unless to inflame the passions, and mislead the judgment; but if by that squadron we had disturbed them in their operations of war against the Emperor, which he admitted we had not done, they would have had just cause to complain. 'Then,' said the right honourable gentleman, 'they complain of our conduct on the afflicting news of the murder of their King; what, shall we not grieve for the untimely fate of an innocent monarch, most cruelly put to death by his own subjects? Shall we not be permitted to testify our sorrow and abhorrence on an event that outrages every principle of justice, and shocks every feeling of humanity?' Of that event he should never speak but with grief and detestation. But, was the expression of our sorrow all? Was not the atrocious event made the subject of a message from his Majesty to both Houses of Parliament?* And now he would ask the few more candid men, who owned that they thought this event alone a sufficient cause of war, what end could be gained by further negotiation with Chauvelin, Maret, or Dumourier?† Did ministers mean to barter the blood of this ill-fated monarch for any of the points in dispute; to say, the evacuation of Brabant shall atone for so much, the evacuation of Savoy for so much more? Of this he would accuse no man; but, on their principle, when the crime was committed, negotiation must cease. He agreed, however, with the right honourable gentleman, and he was glad to hear him say so, that this crime was no cause of war; but, if it were admitted to be so, it was surely not decent that the subject of war should never be even mentioned without reverting to the death of the King. When he proposed sending an ambassador to France, 'What!' said the right honourable gentleman, 'send an ambassador to men that are trying their King!' If we had sent an ambassador, even then; had our conduct towards the French been more candid and conciliating, the fatal issue of that trial might have been prevented. 'But,' said the right honourable gentleman, 'we negotiated unofficially.' The importance to any wise purpose of this distinction between official and unofficial negotiation, of this bartering instead of selling, he could never understand; but even to this mode of negotiating the dismission of M. Chauvelin put an end. But M. Chauvelin, it was said, went away the very day after he received the order, although he might have stayed eight days and negotiated all the while! Was it so extraordinary a thing that a man of honour, receiving such an order, should not choose to run the risk of insult, by staying the full time allowed him; or could he imagine, that his ready compliance with such an order would be considered as an offence? When M. Chauvelin went away and M. Maret did not think himself authorized to negotiate, ministers sent a message to Lord Auckland, to negotiate with General Dumourier, which reached him too late.* Admitting this to be a proof of their wish to negotiate, while negotiation was practicable, what was their conduct from the opening of the session? If he or any of his friends proposed to negotiate—'Negotiate!' they exclaimed, 'we are already at war.' Now it appeared that they did negotiate with unaccredited agents, although the Secretary of State had said that such a negotiation was not compatible with his belief; and, last of all, (strange conduct for lovers of peace!) they ordered to quit the country the only person with whom they could negotiate in their unofficial way. He was happy to see the right honourable gentleman so much ashamed of this mutilated farce of negotiation, as to be glad to piece it out with Lord Auckland and General Dumourier. Then was asked the miserable question, 'What interest have ministers in promoting a war, if, as it has been said, the ministers who begin war in this country are never allowed to conclude it?' Admitting this to be true, for which he saw no good reason, then surely they who endeavoured to avert a war, ought to be allowed some credit for the purity of their motives. But ministers never opened a fair communication on the points in dispute with France. They acted like men afraid of asking satisfaction, for fear that it should be granted—of stating the specific causes of war, lest they should lose the pretext.

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* On the 28th of January, 1793.

† Although, after the recall of Earl Gower, no British ambassador had been sent to Paris, yet M. Chauvelin was encouraged, both by Lord Grenville and Mr. Pitt, to enter into explanations which might tend to the preservation of peace. M. Maret, an agent of the Duke of Orleans, and who came to London solely on his business, pretended to have power from the French Government to treat; and he obtained the appointment of an audience for an unnamed coadjutor of his, to open a discussion with Mr. Pitt, who was desirous to treat with M. Maret, as a confidential person from the Executive Council; but when they explained themselves, it was discovered that neither had the slightest pretensions to a public character, nor to any authority. Mr. Pitt, instead of displaying any irritation or annoyance, advised M. Maret immediately to despatch a courier to Paris, for authority and instructions; but the Executive Council commanded him to abstain from all intercourse with Mr. Pitt on the subject of politics, and to return immediately.—Adolph. Hist. of the Reign of Geo. III vol. v. p. 336.

"An opinion somewhere stated had been adverted to, that the people might consider this as a war in which kings were more interested than their subjects. He felt great respect for monarchy, and it was neither his practice nor his inclination to speak harshly of kings. He had already said, that monarchy was the corner, or rather the key-stone, of the British constitution, which was a limited, not an unlimited, monarchy. But, with all due reverence for crowned heads, was it impossible to conceive that kings might love, not limited, but unlimited, monarchy; and that resistance to the limited monarchy attempted to be established in France, in the room of the unlimited monarchy, by which that country was formerly governed, might have been the true cause of the combination of some of the crowned heads of Europe? Our King had sat too long on the throne of a free kingdom; he had had too much experience that the love of his people was a stronger defence than guards and armies, to forfeit that love, by transgressing the bounds which the constitution prescribed to him, were even his virtues and his wisdom less than they were known to be. But had not kings the frailties of other men? Were they not liable to be ill-advised? What became of that freedom of speech which was the boast of Parliament, if he might not suppose that, by evil counsellors, their ears might be poisoned, and their hearts deceived? He therefore feared that this war would be supposed to be a war for restoring monarchy in France, and for supporting rather the cause of kings than the cause of the people. He would be the last to draw a distinction of interest between the rich and the poor; for, whatever the superficial observer might think, nothing was clearer, when philosophically considered, than that a man who was not immediately possessed of property, had as great an interest in the general protection and security of property as he who was; and, therefore, he reprobated all those calls upon the particular exertions of men of property as tending to excite the idea of an invidious distinction, which did not exist in fact.

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* On the 23rd of January, 1793, Dumourier wrote a letter, dated at Paris, to Lord Auckland, the British Minister at the Hague, proposing a conference with a view to a pacific arrangement. A conference was appointed, but on the 14th of February Lord Auckland was informed that Dumourier had received orders from the National Convention not to hold it.—Gifford's Life of Pitt, vol. iii. p. 343. See Dumourier's Letter to Lord Auckland, in Appendix C. to the above vol.

"When the attack on France was called the cause of kings, it was not a very witty, but a sufficient reply, that opposing it might be called the cause of subjects. He imputed bad motives to no man, but when actions could not be explained on one motive, he had a right to attempt to explain them on another. If there were at present such a spirit in this country as in the beginning of the American war, what would be our conduct? To join the combined powers in their war on the internal government of France. He was happy that the public abhorrence of a war on such a motive was so great, that the right honourable gentleman felt himself called upon to disclaim it at great length. But how had ministers acted? They had taken advantage of the folly of the French, they had negotiated without proposing specific terms, and then broken off the negotiation. At home they had alarmed the people that their own constitution was in danger, and they had made use of a melancholy event, which, however it might affect us as men, did not concern us as a nation, to inflame our passions and impel us to war; and now that we were at war, they durst not avow the causes of it, nor tell us on what terms peace might have been preserved.

"He rejoiced to hear that we had no treaty with the Emperor. If our motives were now suspected, he hoped our future conduct would be such as to put away suspicion. If we joined the Emperor and the King of Prussia, we must make common cause with them, or act always with the jealousy and suspicion of parties, either of whom might secure their own views by a separate peace at the expense of the rest. When we found ourselves drawn into this common cause, we might say that we were forced to what we did not intend; but the fact would be, that we should be wasting the blood and treasure of the people of this country for an object which the people of this country disclaimed—to enable foreign armies to frame a government for France. Such an instance would furnish more arguments against the mechanism of our constitution than all the writers who had scrutinized its defects. He hoped we neither had, nor should have, any treaty with the combined powers, unless our objects were specifically stated. But what might be the moment of discussing these objects? The moment of danger and alarm, with the powerful engine, fear, influencing their decision. By the promise in his Majesty's speech, of employing firm and temperate measures, he had understood, first, a remonstrance on the causes of complaint, then a specific demand of satisfaction, and an armament to give efficacy to both. On his hope of the first two he had voted for the third.

"The right honourable gentleman said we had received insults which ought not to have been borne for twenty-four hours. These were magnanimous words. In the affair of Nootka Sound the aggression by Spain was as direct and unqualified as any that could be stated, and yet we had borne it for twenty-four days. Why was not the same course pursued now as then? He was now called upon, as a member of that House, to support his Majesty in the war, for the war was begun, and he would do it; but he was not pledged to any of those crooked reasonings on which some gentlemen grounded their support of ministers, nor less bound to watch them, because, by their misconduct, we had been forced into a war, which both the dignity and the security of Great Britain would have been better consulted in avoiding. He was never sanguine as to the success of a war. It might be glorious to our army and our navy, and yet ruinous to the people. The event of the last campaign—'procul absit omen'—and the example of the American war, had taught him that we might be compelled to make peace on terms less advantageous than could have been obtained without unsheathing the sword; and if this might be the consequence to us, the consequences to our ally, the Dutch, must be such as he would not suffer himself to anticipate. The ordering M. Chauvelin to depart the kingdom, and the stopping the exportation of corn to France, when exportation was allowed to other countries, were acts of hostility and provocation on our part, which did not allow us to say, as the proposed address said, that the war was an unprovoked aggression on the part of France. Truth and justice were preferable to high-sounding words, and therefore he should move an amendment, containing nothing that was not strictly true, and in voting which the House might be unanimous."

Mr. Fox concluded with moving his amendment as follows:—"That we learn, with the utmost concern, that the Assembly, who now exercise the powers of government in France, have directed the commission of acts of hostility against the persons and property of his Majesty's subjects, and that they have actually declared war against his Majesty and the United Provinces; that we humbly beg leave to assure his Majesty, that his Majesty's faithful Commons will exert themselves with the utmost zeal in the maintenance of the honour of his Majesty's crown, and the vindication of the rights of his people; and nothing shall be wanting on their part that can contribute to that firm and effectual support which his Majesty has so much reason to expect from a brave and loyal people, in repelling every hostile attempt against this country, and in such other exertions as may be necessary to induce France to consent to such terms of pacification as may be consistent with the honour of his Majesty's crown, the security of his allies, and the interests of his people."

Mr. Fox's amendment was rejected, and the address proposed by Mr. Pitt agreed to without a division.

MR. GREY'S MOTION FOR A REFORM IN PARLIAMENT.

In the spring of the year 1792, an association was formed under the name of "the Friends of the People," consisting of one hundred persons; twenty-eight of whom were the most active members of the House of Commons in opposition to the Government, with the exception of Mr. Fox, who did not belong to this association. They immediately published a short declaration, signed by all the members; and also an address, of considerable length, to the people of Great Britain, signed only by Mr. Grey, the Chairman. In the former, they set forth that their object was to obtain a Parliamentary reform, by extending the suffrage, and by a more frequent exercise of the right of electing their representatives; and in the latter they explained their design more fully, and invited such as agreed to their principles to join the association.

In conformity with a resolution entered into at a meeting of the association, Mr. Grey, on the 30th of April, 1792, gave notice of his intention to submit to the consideration of the House of Commons, in the course of the next session, a motion relative to a reform in the representation of the people.*

1793. *May* 7. Agreeably to that intimation, Mr. Grey now made his motion for a reform in Parliament. After a variety of petitions, pointing to the same object, had been laid on the table of the House, he presented one from the society of "the Friends of the People."† It stated, with great precision and distinctness, the defects which existed in the representation of the people in Parliament. The number of representatives assigned to the different counties was grossly disproportioned to their comparative extent, population, and trade; insomuch, that Cornwall alone sent more members to Parliament than Yorkshire, Rutland, and Middlesex, put together. The elective franchise was so partially and unequally distributed, and in so many instances committed to bodies of men of such very limited numbers, that the majority of the House was elected by less than fifteen thousand electors, which, if the male adults in the kingdom were estimated only at three millions, was not more than the two-hundredth part of them. The right of voting was regulated by no uniform or rational principle, and the exercise of the elective franchise was only renewed once in seven years; seventy members were returned by thirty-five places, where the right of voting was vested in burgage and other tenures of a similar description, and the elections notoriously a mere matter of form; ninety were elected by forty-six places, in none of which the number of voters exceeded fifty; thirty-seven by nineteen places, where the greatest number was not more than one hundred; fifty-two by twenty-six places, no one of them containing more than two hundred; twenty more, for counties in Scotland, by less than one hundred each, and ten for other counties, in the same part of the kingdom, having less than two hundred and fifty each; thirteen districts of burghs in Scotland not containing one hundred each, and two districts of burghs not containing one hundred and twenty-five each, returning fifteen more. In this manner, two hundred and ninety-four members were chosen, and being a majority of the entire House, were enabled to decide all questions in the name of the whole people of England and Scotland.

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* Tomline's Life of Pitt, chap. xiv.

† See the Petition, Parl. Hist. vol. xxx. p. 788.

The petition then went on to take notice of the right of voting, or the various restrictions and limitations under which the privilege of a vote for the choice of a representative was bestowed, stating the great evils and inequalities that prevailed in that respect. It afterwards took notice of the qualifications to be possessed by candidates and those elected; and then considered the evils arising from the duration of Parliaments. It complained of the manner in which elections were conducted, and of the evils resulting from the length of time to which polls were protracted. It noticed the system of private patronage exercised in the election of the representatives of the people; showing, under this head, that, by the patronage and influence of one hundred and fifty-four individuals, the return of no fewer than three hundred and seven members of that House was procured, which considerably exceeded a majority of the House. After dwelling at considerable length upon all the points already mentioned, and detailing a variety of other abuses, it concluded by stating the great necessity there was for the application of an immediate remedy, and the high importance of such a measure; and prayed the House to take the matter into their serious consideration, and to apply such remedy and redress to the evils complained of as should appear proper. The allegations of the petition were dwelt upon with great eloquence and ability by Mr. Grey, who concluded by moving, "That the said petition be referred to the consideration of a committee." Nearly all the principal speakers on both sides of the House took part in the debate, which was protracted to the unusual length of two days. The supporters of the motion were Mr. Erskine, Mr. Duncombe, Mr. Francis, Mr. Whitbread, Mr. Sheridan, and Mr. Fox. It was opposed by Mr. Jenkinson, Mr. Powys, Mr. Windham, Mr. Stanley, Mr. Buxton, Sir William Young, Sir William Milner, the Earl of Mornington, Mr. Anstruther, Mr. Pitt, and Mr. Adam. At the close of the second day's debate,

Mr. Fox said, " he was sorry to trespass on the patience of the House at so late an hour, when, after two days' debate, he could have but little hope that he should either entertain or instruct. It was new and extraordinary, that, by the course and mode of argument pursued by the right honourable the Chancellor of the Exchequer, he should feel himself called upon to apologize for persisting in the opinion which he had always held upon Parliamentary reform, or to assign his reasons, and justify himself for not altering it, as the right honourable gentleman had thought fit to do. He had never before imagined that the presumption of guilt lay against consistency, and that whoever presumed to think as he had always thought must immediately be put on his defence. If the opinions which the right honourable gentleman formerly professed, if the propositions which he had endeavoured to persuade Parliament to adopt, were so very erroneous, and pregnant with such alarming consequences as he had now depicted, it was but natural to suppose that he would have read his recantation with compunction, and expressed humiliation instead of triumph in recapitulating the enormous mischiefs to which his former errors might have exposed his country. He assumed that the right honourable gentleman had completely changed his sentiments on Parliamentary reform, for he had expressly said so, with the poor reserve that the time might yet come when he should think it as expedient as he had done before. The arguments he had used would apply equally to all times; and it would have been more candid to have said so explicitly, than to have held out a hope which, without a second change of opinion as entire as the first, could never be realized. In his arguments against the present motion the right honourable gentleman had had recourse to the mistake, that the object of the present motion was universal suffrage: against this, which made no part of the motion, more than half his speech was employed, and every iota of that part borrowed from what had been urged against himself ten years ago, by those who opposed his first motion for a reform in the representation. Here the right honourable gentleman was only a plagiary; not a common plagiary indeed, but such a plagiary as Virgil, for instance, who improved and adorned whatever he borrowed. He was obliged to admit that his honourable friend who made the motion disclaimed universal suffrage for his object; but then, he said, look at the petitions! only one of which, however, contained this doctrine. Was he ready to say, that, when he brought forward his motion in 1782,* none of the petitions then before the

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* The subject of a reform in the representation of the people was brought forward by Mr. Pitt on three several occasions in the House of Commons: first, on the 7th of May, 1782, during the administration of the Marquis of Rockingham; secondly, on the 7th of May, 1783, during the coalition administration; and thirdly, on the 18th of April 1785, when he was himself first minister.

House contained the very same doctrine? But, in addition to the evidence of the petitions, his honourable friend had, on some other occasion, met certain persons at a tavern, known advocates for universal suffrage, which was almost proof positive that his honourable friend was so too! But how did this sort of inference operate against the right honourable gentleman himself? When he brought forward his plans of reform, he was acting at all points with the Duke of Richmond, the great apostle of universal suffrage; and it was no very unreasonable supposition that his first motion on the subject of reform might have been concerted with his Grace at Richmond House. If, then, men's intentions were to be canvassed by supposed privity to the designs of others, the privity of the right honourable gentleman to the Duke of Richmond's system of universal suffrage could not be denied, and he must be pronounced guilty by his own rule.

"The right honourable gentleman's next objection was to the mode—the very same mode which he himself had adopted. On more mature consideration he had altered his mode; but here he must intercede for the right honourable gentleman's juvenile judgment, and in particular request that he would not insist on dragging through the dirt all those who had supported him in his first motion. What reason he had for changing a motion, which he lost only by twenty votes, was perhaps better known to himself than to others; but he had no right to say that a motion of the same kind was more dangerous now than his own was in 1782." Mr. Fox said, "that he, who had supported all his motions for reform, thought the first the least objectionable. The mode of proceeding lately insisted upon, that a member who proposed the redress of any grievance must move a specific remedy before the House could take the grievance into consideration, was directly contrary to the most approved Parliamentary practice. The member who moved for a committee might go into it with a specific statement, which he might see reason to alter, unless, indeed, the right honourable gentleman had got an exclusive patent for altering opinions; or the committee, supposing the grievance to be proved, might suggest a plan of their own, subject, like every other, to future modification or rejection by the House, when it appeared in the form of a bill. Such was the most convenient and the most ordinary mode of proceeding in all matters of great importance. Now, what was the right honourable gentleman's specific plan? He owed an apology to all those who voted for it, and to him (Mr. Fox) among the rest, and who, although they approved of a Parliamentary reform did not approve of his particular plan, but trusted that, when the general question was carried, they should be able to frame the plan in a less exceptionable manner. These were the precise conditions on which he then called for the support of all who wished well to Parliamentary reform; and now he pretended to say, that by supporting it they pledged themselves not to the general question, but to the particular plan. The general rule was, for all who agreed as to the existence of a grievance, and the necessity of a remedy, to concur as far as they could, and then to debate the particulars at a more advanced stage. This was a sufficient answer *ad hominem* to the right honourable gentleman, and to all the arguments against the mode. All those who wished well to the general subject ought to concur in support of the present motion, and if that were carried the specific plan would come properly under discussion in a future stage.

"Another objection was to the time. When the right honourable gentleman made his motion, he alleged as the reason for it, that there were no adequate means of supporting a good minister, or of repressing a bad one, without a reform in the representation; that to the inadequacy of the system had the misfortune of the American war been owing; and that it was necessary to provide against the nation's falling into a similar calamity. What had since happened to make the calamity less to be dreaded, or the precaution less expedient? Under the administration of the Marquis of Rockingham, an administration of which he approved, the right honourable gentleman first proposed reform, and that, too, in a time of war. Under another administration, of which he did not approve, he again proposed it, and in time of peace. On neither of these occasions did the right honourable gentleman consider the character of the Ministry as at all affecting the expediency of his motion, nor had he ever argued on it in that way. A third administration succeeded, of which he certainly did not entertain a bad opinion, for he was at the head of it himself; still he maintained, or said he maintained, all the doctrines he had held before on the necessity of reform. His reason could not be that he distrusted the virtue of the then House of Commons, for it was a favourite House of Commons, on all occasions much extolled by him. Such a favourite indeed, that his plan of reform was not to commence till after the dissolution of that Parliament. Thus, under all possible circumstances of time, in time of war, in time of peace, under an administration which had his confidence, under an administration that had it not, and when he himself was Minister, had the right honourable gentleman agitated the question of reform. What was there now to make it improper for another to do that which it had been proper for him to do in every variety of time and circumstances? The prosperity of the country was no argument against reform, for it was not urged as a necessary measure to restore prosperity, but to give security to the prosperity which we enjoyed. That security, by the right honourable gentleman's own admission, no change of Ministers, nothing else could give; for he had moved it when Minister himself, and he did not surely mistrust his own administration. When his honourable friend gave notice of his motion last year—a part of his argument which had been very unfairly treated—he said, that a time of national prosperity and peace, as the Minister had described that to be, must be considered as favourable for reviving the question of reform. Since then this unfortunate and mad war had been entered into, and his honourable friend said, 'You who objected to my motion last year as improper in the season of prosperity and peace, cannot now make the same objection in the season of war and much public distress.' This, which he adduced merely as an *argumentum ad homines*, to prove the inconsistency of his opponents, was attempted to be made a charge of inconsistency against himself. What objection could the right honourable gentleman raise to reviving the question of reform in a House of Commons which he had found so favourable to him on every other subject? He would hardly venture to say, that the House of Commons had been so universally complaisant to him, that he was sure they would never support a bad Minister. Had they often joined him in opposing Ministers whom he thought bad, he might indeed say that they would never suffer misconduct in a Minister; but on nine years' experience of support to his own administration, it would be rather too much to make the same inference. There could be no objection to the motion being made now, except that it was made by his honourable friend instead of the right honourable gentleman. In the pride of his new wisdom, his present self felt such contempt for his former self, that he could not look back on his former conduct and opinions without a sort of insulting derision. As Lord Foppington said in the play, 'I begin to think that when I was a commoner, I was a very nauseous fellow;' so the right honourable gentleman began to think that when he was a reformer he must have been a very foolish fellow: he might, nevertheless, have retained some degree of candour for his honourable friend, who had not yet received the new lights with which he was so marvellously illuminated. If the right honourable gentleman had rested his objections on the change of circumstances produced by the events in France, his argument would have been rational, or at least consistent. But he appealed to the recollection of the right honourable gentleman, whether he had not in 1785 argued as earnestly against universal representation, and painted the dangers of it in colours as strong as he had done now? The events in France, therefore, had produced no aggravation of the danger in his view of the subject, but rather made it less, inasmuch as the example of its effects in France had brought it into utter discredit in the mind of every thinking man; and what he had not considered as an objection to his own motion in 1785, he had no right to insist upon as an objection to the motion of his honourable friend now.

"He had always disliked universal representation as much as the right honourable gentleman; but that dislike was no reason for charging it with more mischief than was fairly imputable to it. It had not been the cause, as the right honourable gentleman alleged, of all the evils in France. The first, or Constituent Assembly, was not elected on this plan, but on old usages and old abuses; yet that assembly had done some of the most unjustifiable things done in France: it had despoiled the clergy without regard to situation or character, and destroyed the nobility. The second, or Legislative Assembly, was not chosen by individual suffrage; for when the constitution was framed, wild as the French were, they had laid many restrictions on individual suffrage, and made the distinction between active and inactive citizens. It was, therefore, unjust to charge on it what was done by assemblies elected before it was brought into use. France, after doing great honour to herself by shaking off her old intolerable despotism, had since been governed by counsels generally unwise, and often wicked. But what had this to do with our reform? It had been said that French principles, though not more detestable than the principles of Russia, were more dangerous and more to be guarded against, because more fascinating. Would any man now say that French principles were fascinating? What, then, had we to fear from what no man in his senses would wish to copy?

"A right honourable friend of his (Mr. Windham) had last night, in a very eloquent, but very whimsical speech, endeavoured to prove that the majority was generally wrong. But when he came to answer some objections of his own suggesting, he found himself reduced to say, that, when he differed from the majority, he would consider himself as equally independent of the decision of that majority as one independent county member of the decision of another—which was just to say, that he would put an end to society; for where every individual was independent of the will of the rest, no society could exist. It was singular for him to defend the decision of the majority, who had found it so often against him; and he was in hopes that his right honourable friend would have shown him some easy way of solving the difficulty. His right honourable friend said, that a wise man would look first to the reason of the thing to be decided, then to force, or his power of carrying that decision into effect, but never to the majority. He would say, look first and look last to the reason of the thing, without considering whether the majority was likely to be for or against you, and least of all to force." Mr. Fox admitted "that the majority might sometimes oppress the minority, and that the minority might be justified in resisting such oppression, even by force; but as a general rule, though not without exception, the majority in every community must decide for the whole, because in human affairs there was no umpire but human reason. The presumption was also that the majority would be right: for if five men were to decide by a majority, it was probable that the three would be right and the two wrong, of which, if they were to decide by force, there would be no probability at all. What was the criterion of truth but the general sense of mankind? Even in mathematics we proceeded from certain axioms, of the truth of which we had no other proof but that all mankind agreed in believing them. If, then, what all men agreed on was admitted to be true, there was a strong presumption that what many, or the majority, agreed on was true likewise. Even reverence for antiquity resolved itself into this; for what was it but consulting the decision of the majority, not of one or two generations, but of many, by the concurrence of which we justly thought that we arrived at greater certainty? His objection to universal suffrage was not distrust of the decision of the majority, but because there was no practical mode of collecting such suffrage, and that by attempting it, what from the operation of hope on some, fear on others, and all the sinister means of influence that would so certainly be exerted, fewer individual opinions would be collected than by an appeal to a limited number. Therefore, holding fast to the right of the majority to decide, and to the natural rights of man, as taught by the French, but much abused by their practice, he would resist universal suffrage.

"Without attempting to follow his right honourable friend, when he proposed to soar into the skies, or dive into the deep to encounter his metaphysical adversaries, because in such heights and depths the operations of the actors were too remote from view to be observed with much benefit, he would rest on practice, to which he was more attached, as being better understood. And if, by a peculiar interposition of Divine power, all the wisest men of every age and of every country could be collected into one assembly, he did not believe that their united wisdom would be capable of forming even a tolerable constitution. In this opinion he thought he was supported by the unvarying evidence of history and observation. Another opinion he held, no matter whether erroneous or not, for he stated it only as an illustration, namely, that the most skilful architect could not build, in the first instance, so commodious a habitation as one that had been originally intended for some other use, and had been gradually improved by successive alterations suggested by various inhabitants for its present purpose. If, then, so simple a structure as a commodious habitation was so difficult in theory, how much more difficult the structure of a government! One apparent exception might be mentioned, the constitution of the United States of America, which he believed to be so excellently constructed, and so admirably adapted to the circumstances and situation of the inhabitants, that it left us no room to boast that our own was the sole admiration of the world. The objection, however, was only apparent. They had not a constitution to build up from the foundation; they had ours to work upon, and adapt to their own wants and purposes. This was what the present motion recommended to the House—not to pull down, but to work upon our constitution, to examine it with care and reverence, to repair it where decayed, to amend it where defective, to prop it where it wanted support, to adapt it to the purposes of the present time, as our ancestors had done from generation to generation, and always transmitted it not only unimpaired, but improved, to their posterity.

"His right honourable friend had said, on a former occasion, that if the constitution of the House of Commons were that the county of Middlesex alone elected the representatives for the whole kingdom, he would not consent to alter that mode of representation, while he knew from experience that it had produced such benefits as we had long enjoyed. Now, suppose, for the sake of argument, that the county of Cornwall, somewhat less likely to be a virtual representative of the whole kingdom than Middlesex, were, instead of sending forty-four members to Parliament, to send the whole five hundred and fifty-eight, such a House of Commons might, for a time, be a proper check on the executive power, and watch over the interest of the whole kingdom with as much care as those of Cornwall; but, with such a House of Commons, no argument would persuade him to remain satisfied, because there was no security that it would continue to do so. The question now to be examined was, Did the House of Commons, as at present constituted, answer the purposes which it was intended to answer; and had the people any security that it would continue to do so? To both branches of the question he answered decidedly in the negative.

"Before he proceeded to offer the reasons on which he thus answered, it was necessary to say a few words on the circumstances which, in his opinion, would justify a change. Many things short of actual suffering would justify not only a change, but even resistance. When the dispute began with America, it was not because it was held that the British Parliament had no legal right to tax America, that the project of taxing her was opposed. The Americans, indeed, did maintain that the British Parliament had no such right; but he, and many others who opposed the measure, admitted the right, and he was still of the same opinion. What, then, was the ground of the opposition? It was not any actual suffering on the part of the Americans: they themselves allowed that the taxes attempted to be imposed were of the most easy and unoppressive kind. But although these taxes were so, they had no security that heavy and oppressive taxes might not, at some future period, be imposed upon them by a legislative body, in which they had no representation, with which they had no very close connexion of common interest, and over which they had no means of control. He, therefore, and those with whom he had the honour to act, thought this want of security, for what they were not then ashamed to call the rights of man, a sufficient cause of resistance. They justified the Americans in that glorious resistance, for which they were then called the advocates of American rebels, as some of them, though too familiar with such charges much to heed them, were now called the advocates of the French. That glorious resistance was ultimately successful, and to that success would yet be owing the liberties of mankind, if in this country they should unhappily be suffered to perish. Jealousy, too, was a good cause of change, or even of resistance—not jealousy captious or malignant, but jealousy founded on well-examined and rational grounds of suspicion. Men were not bound to wait till their liberties were actually invaded; prudence called for means of prevention and defence; and, to justify these, it was sufficient that they saw a clear possibility of danger.

"Now, in order to show that the House in its present state was unfit for the functions which it ought to discharge, he would refer to the history of the American war. It was dangerous to make a concession in argument; for on that concession was generally built some assertion very different from what had been conceded. He had once admitted that the American war was popular in the beginning; and on that had been built the assertion, that he had called it the war of the people. He never called, nor meant to call it so; for, in truth, it was nothing less—it was the war of the Court. By the Court the project of taxing America was conceived, and the people were taught to believe that their money would be saved, and their burdens eased, by a revenue drawn from another country.

"Thus they were first deluded, and then bribed by an appeal to their pockets, into an approbation of the scheme of the Court. This was no assumption of his, for it was perfectly well known, that when a considerable addition to the standing army was proposed, the country gentlemen were induced to agree to it, by hints that the expense would be defrayed from another quarter, instead of falling upon them. In compliance with the wishes of the Court, the House passed the memorable Stamp Act. The Stamp Act was resisted and repealed; and the repeal was as popular as the passing of it had been. Was this a presumption, that the war was the war of the people? Was it not, on the contrary, a clear proof that the people had no definite idea of the object of the war? When, by subsequent acts of the same nature, and similar resistance on the part of America, the war was brought on, then, indeed, the indignation of the people was excited by the supposed ingratitude of the colonies to the mother country; their passions inflamed; the love of military glory, natural to the minds of a great and brave nation, roused; and the war became popular. But the war itself was the act of the Court, deluding the people by the subserviency of the House of Commons. The House passed the Stamp Act; the House took all the other measures that led to the war, and voted that it should be supported, not as the organ of the people, but as the obedient servant of the Court. What was a successful war, he was somewhat at a loss to know. The American war from the beginning he had always called unsuccessful; but he was, year after year, told that he was quite mistaken, and that the success was fully adequate to every reasonable expectation. At length came the final blow, the surrender of Lord Cornwallis and his army*—the war was acknowledged to be unsuccessful, and the House put an end to it, but not till several years after the people had begun to send up petitions and remonstrances against it.

"In some of the petitions on the table the accumulation of the public debt was imputed to the defect of the representation, and he was sorry to see such an absurdity in them. The accumulation of the public debt was the necessary consequence of the wars which we had been obliged to maintain in defence of our constitution and our national independence; and he for one had no scruple in declaring, that every war in which we had been engaged, from the Revolution to the American war, was both just and necessary. He would, therefore, acquit the House of all the debt contracted, except for the American war, and as much as might fairly be imputed to too remiss a superintendence of the expenditure of public money: for all the debt contracted to support the American war, after that war became unpopular, the House of Commons was undoubtedly answerable. It was not enough for preventing wars that we were disposed to cultivate peace, if our neighbours were not as peaceably disposed as ourselves. When, therefore, the petitioners talked of preventing wars by reforming the House of Commons, they forgot that the work would be but half done, unless they could give as good a constitution to France as England would then be possessed of. But when he mentioned this, he raised no argument from it against the general prayer for a reform in the representation. His right honourable friend (Mr. Burke), on presenting his plan of reconciliation with America in 1775, made a speech,* in which the virtues and the efficacy of representation were displayed with a force and clearnesss unparalleled. Were the people of Ireland uncivilized and unsubdued after a forcible possession of their country for ages, what was the remedy? Representation. Were the Welsh in perpetual contention among themselves, and hostility to Englishmen, what was the remedy? Representation. Were the counties of Chester and Durham full of discontent and disorder, what was the remedy? Representation. Representation was the universal panacea, the cure for every evil. When the day-star of the English constitution had arisen in their hearts, all was harmony within and without—

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* *Vide ante*, p. 100, note.

' ——— Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes;
Et minax (sic Dî voluere) ponto
Unda recumbit.'

" Let gentlemen read that speech by day, and meditate on it by night; let them peruse it again and again, study it, imprint it on their minds, impress it on their hearts: they would there learn that representation was the sovereign remedy for every disorder—the infallible security against popular discontent; let them learn this, and give to the people, not the 'unreal mockery,' but the efficient substance of representation.

" He came next to consider the conduct of the House since the American war. When the India Bill, which he had the honour to propose, was lost, was it because the bill was unpopular? By no means. Whatever odium had been afterwards excited against it, the people had then expressed no disapprobation. The right honourable the Chancellor of the Exchequer had no hand in its defeat; for ready and able as he was to speak against it, it passed the House of Commons by a great majority. By whom, then, was it thrown out? Let the merit be given to those to whom it belonged—it was thrown out by certain bedchamber lords, acting under the direction of those who had access to advise the King. The dismission of the ministry followed the rejection of the bill, and the House of Commons adhered to the discarded Ministers. The right honourable gentleman would surely allow that the House, in order to execute its functions, ought to command respect. Did it command respect on that occasion? Was it respected by the Crown, by the Peers, or by the people? The advisers of the Crown disregarded its remonstrances; the Peers came to resolutions censuring its proceedings; and the people treated it not as their organ in the constitution and the guardian of their rights, but as a faction leagued to oppress them, and with whom they had no common interest or common cause. Since that period the House had not only commanded respect, but praise, from those who were permitted to advise the Crown, not by opposition, but by prompt obedience—not by a watchful and jealous guardianship of the interests of the people, but by implicit confidence in Ministers, and pliant acquiescence in the measures of the Court. Thrice had that House of Commons of which he had spoken, and which he should never mention but with honour, resisted the influence of the Crown, and nothing then was talked of but a reform of Parliament. The House of Commons had been now for nine years a complaisant and confiding body, and the cry of reform from those who were formerly the loudest and most active was heard no more. Reform was then the only thing that could save the constitution : the very sound of reform was now pregnant with the most imminent danger. When that House of Commons resisted the influence of the Court, they were told that they were not the representatives of the people, and that they were not so chosen as they ought to be. The people felt that the charge was true in part, and were easily induced to give credit to the whole. Had that House of Commons been chosen in a less objectionable manner; had the people considered them as their representatives, could they have been so contemptuously treated and so ignominiously dismissed as they had been? No : the people would have seen that the cause of their representatives was the same with their own; they would have given them their confidence and their support.

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* *Vide* vol. i. p. 530, *et seq.*

" But, it was said, a House of Commons so chosen as to be a complete representative of the people would be too powerful for the House of Lords, and even for the King—they would abolish the one and dismiss the other. If the King and the House of Lords were unnecessary and useless branches of the constitution, let them be dismissed and abolished; for the people were not made for them, but they for the people. If, on the contrary, the King and the House of Lords were felt and believed by the people, as he was confident they were, to be not only useful but essential parts of the constitution, a House of Commons, freely chosen by, and speaking the sentiments of, the people, would cherish and protect both within the bounds which the constitution had assigned them. In the case of the Russian armament, what had been the mode of proceeding? The Minister thought proper to arm against Russia, and the House of Commons was called upon to vote the supplies. Were they allowed to inquire into the necessity of that armament, or to judge of its propriety? No : they were told, that to Ministers it belonged to judge, and to them to confide; and on this implicit confidence they voted the sums demanded of them. In the meantime, the people showed their disapprobation of a war with Russia; the Minister adopted their sentiments, called on the House of Commons to agree with him in this change of opinion, and the House acquiesced. He would neither allow the House of Commons to judge in the first instance, nor through him, look for the opinion of the people in the second. He was to collect the opinion of the people, and tell those who ought to be their representatives and the organs of their sentiments, what that opinion was. The lesson thus held out to every man in the House was this:—'If you look for honour or for power, you must take care to conciliate the advisers of the Crown by a ready subserviency to whatever they require. If you presume to counteract them, you may enjoy the consciousness of serving the public without hope or reward; but from power and situation, from all the fair objects of honourable ambition, you are for ever excluded.'

"Having thus shown that the House of Commons, as now constituted, was neither adequate to the due discharge of its duties at present, nor afforded any security that it would be so in future, what remained for him to answer but general topics of declamation? He had sufficient confidence in the maxims he had early learned, and sufficient reverence for the authors from whom he learned them, to brave the ridicule now attempted to be thrown upon all who avowed opinions that, till very lately, had been received as the fundamental principles of liberty. He was ready to say with Locke, that government originated not only for, but from the people, and that the people were the legitimate sovereign in every community. If such writings as were now branded as subversive of all government had not been read and studied, would the Parliament of 1640 have done those great and glorious things, but for which we might be now receiving the mandates of a despot, like Germans, or any other slaves? A noble lord (Mornington) had discovered that Rousseau, in his Social Contract, had said a very extravagant thing. He was not very well qualified to judge, for he had found the beginning of the Social Contract so extravagant that he could not read it through; but he believed it was one of the most extravagant of that author's works. He did not mean to say, that the noble lord had produced an extravagant saying from Rousseau as a novelty; but it was somewhat remarkable, that an extravagant thing, from the most extravagant work of an extravagant foreign author, should be produced as an argument against a reform in the representation of the people of Great Britain. Reverence for antiquity was then appealed to, and gentlemen were asked, if they would consent to alter that which in former times had been productive of such important acquisitions to liberty. With equal propriety our ancestors might have been asked, if they would alter that constitution under which so great an acquisition to liberty as Magna Charta had been obtained; and yet, after the acquisition of Magna Charta, the condition of this country had been such as was rather to be execrated and detested, than cherished and admired.

"When gentlemen talked of the danger of rash innovation, and the great advantages of temperate and slow reform, they might find all they had to say anticipated in a much more pleasant treatise than any of their speeches, namely, the Tale of a Tub, where brother Jack's tearing off the lace, points, and embroidery, from his coat, at the hazard of reducing the coat itself to tatters, and brother Martin's cautiously picking up the stitches, exhibited an abstract of all their arguments on the subject. The Septennial Act,* in the opinion of many, had been the means of preserving the House of Brunswick on the throne. But had such a House of Commons as the present been then in being, what would have become of the House of Brunswick and the Protestant succession? 'What!' they would have said, 'adopt so violent an innovation as septennial instead of triennial Parliaments—do you mean to subvert the whole fabric of the constitution? Triennial Parliaments were sanctioned at the glorious epoch of the Revolution;† to triennial Parliaments we owed all the prosperity, all the glory, of the reigns of King William and Queen Mary; to triennial Parliaments were we indebted for the victory of Blenheim.' As rationally might they have said, that to triennial Parliaments they were indebted for the victory of Blenheim, as it might be now said, that to the right of Old Sarum to send members to Parliament we were indebted for our annual exports being increased seven millions. If to such sources as these, national prosperity was to be traced; if, for the essence of our constitution, we were to repair to a cottage on Salisbury Plain; or, for the sake of antiquity more reverend, let us take Stonehenge for Old Sarum; then might we undertake pilgrimages to the sacred shrine, and tell each admiring stranger, 'Look not for the causes of our envied condition in the system of our government and laws; here resides the hallowed deposit of all the happiness we enjoy; but if you move one of these rugged stones from another, the British constitution is thrown from its basis, and levelled with the dust.' A right honourable friend of his (Mr. Windham, who was chairman of the Downton committee), had been lately employed for many weary days in examining the divisions of burgage tenures, to be found in a trench at Downton. Had it occurred to his right honourable friend, that in this trench he was searching for the most essential principles of the constitution, the investigation would have been somewhat less irksome, the labour somewhat less fastidious.

"The petition presented facts into which the House was bound to inquire, both in its legislative and its inquisitorial capacity. In the petition it was affirmed, that peers nominated members to seats in the House; and they had a standing order that no peer should interfere in elections. In the petition it was asserted, that bribery and corruption were openly practised at elections; and they had a standing order against bribery and corruption. Let the facts be inquired into, or these idle denunciations be expunged from their journals. A select committee had reported bribery against certain electors of Stockbridge; and a bill of pains and penalties, which had been founded on that report, had been rejected. He was not sorry for it; he wished not to see a poor man punished for selling his vote, while the sale of seats was connived at. The corruption of an individual voter was undoubtedly an evil, but small in comparison of the mischievous effects which the sale of seats must produce on the minds of the sellers and the buyers, while both of them knew that it was contrary to law. Let the House inquire and put a stop to such practices, or avow their expediency and repeal the laws that made them criminal.

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* 1 Geo. I. st. 2, c. xxxviii.

† Before the Triennial Act, 6 Wm. & Mary, c. ii., there was no limit to the duration of a Parliament, except the will of the sovereign.

"The lateness of the hour, the clearness of the case, and the danger of rejecting the motion, rendered it unnecessary for him to insist farther upon it. One word only with respect to the time. It was triumphantly said by gentlemen on the other side, that ninety-nine out of every hundred of the people of England were well affected to the constitution, and he believed that they were right. Where, then, was the danger of inquiring into the defects of the constitution with a view of correcting them? Could they hope for some golden period in which the proportion of the ill to the well-affected would be less than as one to ninety-nine? The objection to the time was, therefore, a fallacy, a mere pretext for putting off what the House could not help seeing to be necessary, but felt unwilling to begin. This manner of postponing, on the most frivolous pretences, what could not be denied to be fit, was more properly the object of ridicule than of argument: the time must come when the House would be unable to disguise, even from themselves, the necessity of inquiring into the state of the representation; and then, too, they might perhaps give room for a new application of the poet's raillery on an individual:—

'Let that be wrought which Mat doth say;
Yea, quoth the Erle, but not to-day.'"

At four in the morning, the House divided on Mr. Grey's motion, "That the petition be referred to the consideration of a committee." Yeas, 41; Noes, 282. It was therefore rejected.

MR. ADAM'S MOTION RESPECTING THE TRIALS OF MESSRS. MUIR AND PALMER.

1794. *March* 10. Thomas Muir, an advocate, and Thomas Fyshe Palmer,[*] a Dissenting minister, were tried in the autumn of 1793, the former before the High Court of Justiciary at Edinburgh, and the latter before the Circuit Court of Justiciary at Perth, on charges of sedition. Both of them were found guilty: Mr. Muir was sentenced to be transported for fourteen, and Mr. Palmer for seven years.

As the punishment of transportation had not previously been inflicted for the offence of sedition, the above sentences were considered by many unduly severe. Their legality also was called in question, and it was said that, by the law of Scotland, sedition was punishable, not by transportation, but by banishment, or simple expulsion from the kingdom.

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[*] See the reports of these trials, Howell's St. Tr. vol. xxiii. pp. 117 and 237.

On the 10th of March, Mr. Adam called the attention of the House to the subject by moving for a copy of the trial of Thomas Muir. From the record demanded, his object was, he said, to question the legality of the sentence passed on Mr. Muir. But as no appeal could lie from the decision of the court, however questionable, he proposed, in consequence of the doubtfulness of the case, to move for the production of certain records relating to the trials, and for two addresses to the Crown in favour of Mr. Muir and Mr. Palmer. The crimes for which they were indicted were termed by the law of Scotland leasing-making, corresponding to that misdemeanor in England called a public libel on the Government, and tending to disturb the peace. No other crime was charged in the indictments, and transportation could not be legally inflicted for leasing-making: the only punishment for which, by the Scotch act passed in the reign of Queen Anne (1703, c. 4), was fine, imprisonment, or banishment. Nor, if the acts charged in the indictments did not constitute leasing-making, or public libel, were they charged with any crime known to the laws of Scotland. He then adverted to various circumstances attending the trial, which he decidedly reprobated as oppressive and unjust; and condemned the sentence altogether as illegal, arbitrary, and unwarrantable. On these grounds, Mr. Adam maintained that their punishment exceeded all the bounds of equity and moderation. He concluded by declaring that he had undertaken the present business neither from interested motives, personal affection to the sufferers, whom he knew not, nor disrespect to the judges who had presided at these trials; but solely from a persuasion that an impartial administration of justice was the surest preservative of public liberty, and that the perversion of the law, where the interest of the whole community was at stake, tended to introduce despotism or anarchy. The Lord Advocate of Scotland (Mr. Robert Dundas), Mr. Windham, and Mr. Pitt, contended strongly for the propriety of the sentence, and of the proceedings of the Scotch courts. The first of these gentlemen even went so far as to assert the superiority of the Scotch over the English laws for the punishment of libels and the suppression of sedition. The second seemed to insinuate that if the English laws were not equal to those purposes, the Scottish law should be substituted.

Mr. Fox rose and said:—"It was my wish, Sir, that this question should be agitated neither in this House, nor in the House of Lords; but since it has been brought before the House, and since doctrines of the most extraordinary and monstrous nature that ever fell from any gentleman within these walls, have been advanced by a learned lord opposite to me, who has risen to vindicate the conduct of the tribunal of Scotland, and to defend the part which he has taken in the proceedings, notwithstanding the lateness of the hour, I should feel myself deficient in the duty which I owe to my own character, as the representative of a great and free people, if I withheld my sentiments, and contented myself with giving a silent vote on this occasion. The present, Sir, is a question of the greatest importance — a question involving in its consideration, not only the fortunes of two suffering and oppressed individuals, but the consequences which will be produced to posterity, by establishing a precedent inimical to the liberties of mankind. No wonder, Sir, that my honourable friend who has just sat down (Mr. Whitbread) should have displayed such honest indignation, and expressed himself in so feeling a manner on such a subject; but there is one point in the speech of my honourable friend which I cannot help taking notice of, and on which I am under the necessity of entirely dissenting from him. My honourable friend has declared, that if any minister should dare to introduce into this country the law of Scotland, he hoped there would be found in this House men bold enough to impeach him. I cannot agree with him on this point; for so dearly do I prize the freedom of debate, in such veneration do I hold the free and unlimited discussion of any political or constitutional question within these walls, and so jealous am I of everything which would look like an infringement of this our most valuable privilege, that if the minister were to advance the most dangerous and detestable principles, if he were even to propose a bill to this House to alter the succession to the throne, and introduce in the place of our sovereign a foreign pretender, I would hold him justifiable for the unconstitutional measures he attempted to introduce, and would with my voice endeavour to rescue him from a public impeachment or prosecution.

"The learned lord over against me, in his panegyric on the laws of his own country, has thought proper to throw out insinuations against the laws of England. From his train of reasoning, and from the many arguments he has brought forward in attempting to defend his favourite system of Scottish jurisprudence, it struck me, and it must have struck every man open to the most common impressions, that it was his sincere and fervent wish, that his native principles of justice should be introduced into this country; and that on the ruins of the common law of England should be erected the infamous fabric of Scottish persecution. Indeed, Sir, when I recollect what has been advanced by the learned lord, I can easily account for the sentence pronounced against these two unfortunate gentlemen. If that day should ever arrive which the Lord Advocate seems so anxiously to wish for—if the tyrannical laws of Scotland should ever be introduced in opposition to the humane laws of England, it would then be high time for my honourable friends and myself to settle our affairs, and retire to some happier clime, where we might at least enjoy those rights which God has given to man, and which his nature tells him he has a right to demand.

"I will now, Sir, address myself to my honourable friend who has just sat down (Mr. Windham), and ask him what he meant by an expression which fell from him, implying a doubt of the laws being adequate? Does he mean to assert that the laws are not adequate in this country to punish sedition? There was a time when my honourable friend agreed with me, that the laws were adequate, and surely he must think so still. He has told us that if they are not sufficient to check the career of sedition, laws ought to be introduced to answer that purpose. Would my honourable friend introduce the tyrannical laws of Scotland? No: struck with a sense of the cruelty of the punishment which has been inflicted on these gentlemen, struck with a conviction of the iniquity of the whole proceedings, impressed with a veneration for the laws of his country, and an apprehension of the inevitable and fatal consequences that must result to English liberty, from the horrors of such innovation, he has qualified a little his expression, and has ingeniously slipt in an *if*,—'your *if* is the only peace-maker, much virtue in *if*.' My honourable friend has said, *if* the laws are not adequate, why then let the laws of Scotland be introduced in their place. The question, Sir, is unfortunately a complicated one. In complicated questions it will always happen that there are some particular parts in which gentlemen disagree; there will be parts that some will overlook and others combat; but in every question, however intricate, there are certain essentials in which all who value truth, and act from the honest impulse of their heart, must be unanimous. Most true it is, Sir, that in every country there will be points on which the sentiments of men will be at variance, for it is the nature of men to differ; but justice in every country is the same, and in what relates to her there can be but one opinion. If, therefore, this sentence must in England be considered as notoriously unjust, and repugnant to every principle of humanity, it is impossible for ingenuity to varnish such a system of iniquity, or give to that which on its very face wears the features of cruelty and oppression, the appearance of justice or humanity.

"Now, Sir, let us examine a little what the Lord Advocate has stated with respect to precedent, and on this point I will be bold enough to assert, that except in one case, I mean the Statute of Bankruptcy,* the learned lord has not pointed out a single case which bears on the present motion, or warrants the interpretation he has put on the word banishment. With respect to the act of 1700,† it uses simply the word 'banish.' In the statutes of 1670 and 1703,‡ the word 'banishment' is mentioned with additions: so that if gentlemen examine all the statutes which have been made, it must strike the minds of those open to conviction what the real meaning and the fair and honest interpretation of the word banishment implies. The Lord Advocate, to vindicate the proceedings on the trial, and give it at least an air of justice, has treated the word in rather a singular manner, and has endeavoured to prove that it is synonymous with transportation. But let us refer to one of the statutes last quoted, namely, that of 1670, and gentlemen will clearly discover, that wherever it was the intention of the Legislature to extend banishment to transportation, the place destined for the culprit's transportation was specifically declared. Hence, in the statute of 1670, we see banishment to the West Indies; if this word extended to transportation, why is the place pointed out in some cases and omitted in others? The reason is obvious: when the law of Scotland only meant simple banishment, that is, exiling a man from his country, it only used the word, and gave him the liberty of choosing a spot for himself; but where the offence called for more severe punishment, the place of transportation was identified. There is one statute, and only one, which makes in favour of the learned lord's argument, and that is but a poor assistance; I mean the statute of 1696.* That statute enacts, that 'banishment or otherwise' should be the consequence on conviction; now, to argue on the word 'otherwise,' and make it a ground for a severer punishment than the word banishment, would be contrary to all rules of law, and, in my mind, every principle of English jurisprudence. The precedent of 1704† was made by the Privy Council of Scotland, the most reprobate and despicable tribunal that ever disgraced the annals of its history; we know this, as well from the circumstances of the case itself as from what fell from the noble lord on the woolsack last year, who, when this precedent was mentioned, started up and declared he would pay no attention to anything which came from that infamous and reprobate tribunal.

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* Act of the Scottish Parliament, 1796, c. 5. By this act the Court of Sessions was empowered to punish fraudulent bankrupts "by banishment or otherwise (death excepted), as they shall see cause."

† C. 3, for preventing the growth of Popery.

‡ By the former of these acts of the Scottish Parliament, 1670, c. 4, those who refuse to depose against delinquents are made punishable "by fining, close imprisonment, or banishment to his Majesty's plantations in the Indies, or elsewhere, as his Majesty's council shall think fit;" and by the latter, 1703, c. 2, the crime of leasing-making is made punishable "by fining, imprisonment, or banishment."

"I come now to this enormous and gigantic sedition, which has induced the Lord Advocate to ransack precedents which have lain dormant for two centuries. In the last century he says there are no precedents, though in that period there were two rebellions, and we find the names of a Graham and several others, who were convicted of more atrocious offences, but punished with less severity. But what is this sedition? The learned lord has mentioned the name of Mackenzie, and has misquoted him, in support of his own principles; but this is an authority which I never mention without reluctance and humiliation, (but I am obliged to have recourse to him, as there is no other constitutional writer,) because this very man was the flattering apologist of the tyrannies perpetrated in the latter years of the Stuarts, and which are now attempted to be revived in Scotland. Indeed, Sir, so strikingly disgustful are the whole features of this trial, and so enormous its proceedings, that when I first heard of them I could not prevail on myself to believe that such proceedings had actually taken place; the charge itself, and the manner in which that charge was exhibited, made my blood run cold within me. I read the first edition, I discredited; I read the second and third editions; I was inclined to disbelieve them all; nor would I even believe it now, but in consequence of what I have heard from this Lord Advocate himself. But, if sedition is to be proved by such evidence as that of Anne Fisher,‡ evidence which in no civilized country ought to be permitted, there is an end of justice. This infamous witness, this domestic spy, was even questioned respecting the private and unguarded conversation of her master, and her testimony was allowed, because it was solicited. Good God! Sir, what man amongst us, if our servants and our friends were called to give evidence against our private declarations, would not stand guilty? And which of us would not be liable to transportation? If so tyrannical a law exists, our fortunes, our honours, our lives, are at the disposal of the executive power. But since the Lord Advocate has introduced a neighbouring country, and has spoken much of the word sedition, I will ask him where he is to find this word sedition? It is not to be found in the common law of England or Scotland; but I will give him a little assistance to help him out of his embarrassment, and will advise him to change this word into *incivism.* Let the Lord Advocate imitate the example of France; let him convert sedition into incivism; and let him, like the unfeeling and ferocious rulers of that people, doom the suspected to Botany Bay or the guillotine. Let him tell me where I can find a common-law case of sedition in Scotland. The only authority he can produce is Mackenzie, and that is unfavourable to his argument. Let him show me by what laws of eternal justice such proceedings as have lately taken place in Scotland can be vindicated. It is too much for professional men to expect that we should pay implicit obedience to their doctrines. Does the Lord Advocate suppose that I will give unlimited confidence to his *ipse dixit?* He is wrong if he imagines we are not equally capable of discussing subjects of legal policy. It is evident from all that has been said that the legality of the sentences passed upon Messrs. Muir and Palmer is highly questionable.

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* C. 5. *Vide ante*, p. 521, note.

† See Howell's St. Tr. vol. xiv. p. 1035.

‡ One of the witnesses against Mr. Muir. She had formerly been in the service of Mr. Muir's father.

"My honourable and learned friend who opened the debate has clearly shown, that the pannels* were indicted on the statute of leasing-making; we have also clearly seen that the penalties to be inflicted on the convicted are either banishment, fine, imprisonment, or corporal punishment. The Lord Advocate has seriously asked the House, if these men were not transported, what would be done with them. Shall I imprison them? said he. Imprisonment is a poor chastisement; a gaol is only the nest and den of iniquity; there offenders are only taught to revile their judges and jurors, and to meditate new schemes of sedition. Would you impose a fine on them? That would be easily paid by some rich friend leagued in their conspiracies. The humanity of the Lord Advocate would not suffer him to talk of inflicting corporal punishment on gentlemen of education and respectability. From hence he infers, that the only punishment to be inflicted on them is banishment; but it has been more than sufficiently proved to the House, that banishment cannot extend to transportation without annexing the name of the place appointed for exile. Sedition has been defined to be public commotion: now public commotion, by the laws of both countries, is high treason. Had they been indicted for sedition, they must have been convicted of high treason, and must have suffered death. On this ground, therefore, the judgment cannot be supported.

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* The accused person in a criminal action, from the time of his appearance, is, in Scotland, styled the *pannel.*—Bell's Dict. of the Law of Scotland.

"Before I proceed any further, I would beg to address a few words to my honourable friend (Mr. Windham). I confess I am astonished to see that gentleman so suddenly change his principles and professions, commencing an alarmist, and affecting to tremble for the safety of his king and constitution. It is disagreeable to recall old and unpleasing truths; yet I cannot help reminding my honourable friend that there was a time, though he had not then a seat in this House, when he took an active and spirited part in opposition to the Government, during the unhappy American war. I myself heard him speak not the most respectfully of one of the chief justices. I do not say that he belonged to clubs; but of this I am sure, that he was present at several; he ran about from town to town, conversing with artizans on the rashness and impolicy of the war; and he delivered his sentiments at Norwich and other places in a manner the most decidedly hostile to Government. My honourable friend would at that time have thought himself hardly dealt with, if he had been condemned as an enemy to his king and the constitution merely because he was an enemy to the American war.*

"Why, Sir, are Mr. Muir and Mr. Palmer to be considered as enemies to the constitution, sowing the seeds of rebellion, anarchy, and confusion, for only pointing out to the people those privileges which they should enjoy, and which they are unjustly denied? Sedition is of a generic nature; there are different species of sedition; and there is a species of sedition of which the Lord Advocate himself has been guilty, with regard to this trial—one fact so glaringly scandalous, that I cannot pass it over in silence. I allude to the conduct shown with respect to two witnesses upon this trial; one of these, who was incompetent to give evidence, was admitted; whilst the other, on the pretext of his credibility being doubted, was rejected. I contend, with respect to Russel, that the credibility of his evidence ought to have been left to the jury, instead of the judge usurping their province; and that with respect to Johnstone, there was the greatest partiality apparent. The witnesses were not fairly admitted, and, consequently, Mr. Muir could not have a fair trial. I believe, Sir, the majority of this House are associators, but I entreat them to recollect that they are also representatives; and let me ask, were these associations founded on established law, or were they self-created? If they were not formed by the command of the Legislature, no man ought to be censured for not performing a duty which is not legally imposed upon him; consequently, the learned lord must have been hurried by intemperate warmth into an unguarded assertion, when he declared, on Mr. Muir's objecting to one of those gentlemen being on his jury who belonged to an association which had prejudged him before his trial, that 'if this objection was not repelled, Mr. Muir could have no jury at all to try him, but men who were either traitors or conspirators; for that all men really attached to their constitution had subscribed their names to associations of this nature.'

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* Mr. Windham's earliest essay as a public speaker was occasioned by a call made on the country for a subscription in aid of Government, to be applied towards carrying on the war with our American colonies. It was on the 28th of January, 1778, at a meeting of gentlemen of the county of Norfolk, held at Norwich. A copy of this speech will be found in the Life of Mr. Windham, prefixed by Mr. Amyot to the Collection of his Speeches in Parliament, vol. i. p. 142.

"But there is one strange assertion made by one of the lords of justiciary. He says, 'that no man has a right in the constitution unless he possesses a landed property; men of personal property, though they may have immense sums in the funds, have no lot or part in the matter.'* How absurd, how nonsensical, how ridiculous! When judges speak thus with levity, at random, and in a manner that discovers the most profound ignorance of the constitution, what is the inference I would draw? That the temper of the judges is manifest from such conduct, which never occurred even in the reign of the Stuarts. Another learned lord † said, that as he saw no punishment for sedition in our law, he must go into the Roman law; and having recourse to this extra-judicial authority, he at last discovered that 'the mildest' punishment that could be inflicted on the unfortunate gentleman was—transportation for fourteen years! The Roman law left it at the learned lord's discretion to give Mr. Muir either to the galleys!—to wild beasts!—or to Botany Bay; and, of the whole, he had happily selected 'the mildest!' He was utterly amazed when he learned that a judge had seriously supported such unaccountable nonsense from the bench—such nonsense as ought not to be suffered from the youngest or most ignorant student. He had always entertained the highest veneration for the character of a judge; and his indignation was roused to find that the learned lord, instead of discharging his duty with the gravity becoming the bench, had acted with ignorance, levity, and hypocrisy. After having put his invention to the rack, he had at last hit upon the *mild* punishment of fourteen years' transportation beyond the seas! Good God! Sir, any man of spirit (and such he believed Mr. Muir to be) would sooner prefer death than this *mildest* instance of the judge's mercy. But another of these learned lords, or perhaps the same (for with their names I profess myself totally unacquainted), asserted, that now the torture was banished, there was no adequate punishment for sedition![*] Here, Sir, is language which also shows the temper, the ignorance, the levity, the hypocrisy, of this imprudent man; let him be either serious or in jest, the sentiment was equally intolerable. I know not which of them advanced such a proposition, but, God help the people who have such judges!

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* The following words were attributed to the Lord Justice Clerk:—"Mr. Muir might have known that no attention could be paid to such a rabble. What right had they to representation? He could have told them, that the Parliament would never listen to their petition. How could they think of it? In this country, the Government is made up of the landed interest, which alone has a right to be represented; as for the rabble, who have nothing but personal property, what hold has the country on them? What security for the payment of their taxes? They may pack up all their property on their backs, and leave the country in the twinkling of an eye, but landed property cannot be removed.—Howell's State Trials, vol. xxiii. p. 231.

† Lord Swinton.—See Howell's State Trials, vol. xxiii. p. 234.

"I admit, Sir, that the conduct of a lord advocate is less material than that of a judge; but I do not think, that in Great Britain any person should be declared guilty before he is arraigned and convicted of the offence. Shall we send Muir, Palmer, Skirving, Margarot, and Gerrald, to England?[†] said the Lord Advocate. But here he acts with respect to Mr. Gerrald, as he did towards Mr. Muir, and supposes him guilty without ever being brought to a trial. The abuse of discretion has been made a topic of debate; but I assert, that when these learned lords are about to exercise discretion they should look to England, and regulate their conduct by her example. What, Sir, was the case here? A Mr. Winterbotham was convicted, and punished with fine and imprisonment.[‡] In the course of his imprisonment he was placed among the common felons. As soon as the Attorney-General[||] of this country was made acquainted with the circumstance, with that humanity which should ever attend his office, he ordered him instantly to be removed; exclaiming at the same time, 'God forbid, let his crime be sedition, or what it may, that I should suffer this man to mix with such company, to have his morals corrupted and tainted with their villany! I will not allow it.' But how different was the conduct of the humane Court of Justiciary! They send the unjustly-accused and convicted to herd with the most infamous and abject, and even think this punishment too mild for the offence. I wish gentlemen would speak out—that they would tell us what their notions are of the law of Scotland. Let us, for Heaven's sake, be informed what the opinion of the House really is as to this tyrannical law. Were I to live in Scotland, I should consider my life, my property, and my liberty to be insecure, and should place no confidence in the enjoyment of any of those blessings.

"It cannot have escaped gentlemen that, not many years ago, associations were formed in this country exactly on the same principles that Mr. Muir and his friends formed their associations. Sir, it is precisely for those very offences which were committed by those very associations in England, that Mr. Muir and Mr. Palmer are now condemned to transportation. But it will be said, that the French Revulotion has changed the nature of the case. It may be so: but I wish never to believe that what was once meritorious, what was once fit, and what was considered as the only means of preserving the liberties of this country, can all of a sudden have so changed its complexion, can have become so black and atrocious a crime, as to call down on the head of him who so far reveres the constitution of England, as to wish to restore it to its primitive perfection, the unrelenting vengeance of persecution; while those very men who, perhaps, set this fatal example have fled into the arms of power, as into an asylum, and are now enjoying the emoluments of the highest places this kingdom knows—the wages, perhaps, of their apostasy. Yes, Sir, these unfortunate gentlemen have done what the right honourable the Chancellor of the Exchequer, what the Duke of Richmond, have done before them. They have done no more. Can this House forget the addresses of those two personages to the people? and this, not to petition for a reform in Parliament, not simply to state the abuses, and to pray for, in the language of suppliants, a redress of those abuses; but to demand, I say demand, them as their right. As long as gentlemen shall recollect the Thatched House, and these very associations, it is impossible they can forget their addresses to the people. Oh, human folly and inconsistency! Why are these very men now exalted to the most envied stations, while poor Muir and Palmer are doomed to waste out the remainder of their lives in a foreign climate, the companions of outcasts, felons, the most degraded of the human species! And have we not, at some period or other, all of us called assemblies? Have we not all of us been guilty of crimes which might drive us to Botany Bay? Happy am I to boast that, however I may disapprove of those violent prosecutions which have been conducted in this country against individuals on charges of sedition, these, when compared with the trials now before us, are merciful and humane. Happy am I to boast that it is my fortune to be a subject and an inhabitant of England. Were I a native of Scotland I would instantly prepare to leave that land of tyranny and of despotism. Until these infamous laws are abrogated you may talk of justice, you may talk of juries, but all trials are mockeries. Until these infamous laws are abrogated the liberty of the subject is insecure and unprotected; and Scotland, like France, is a land of despotism and oppression."

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[*] These expressions were attributed to Lord Swinton.—Howell's State Trials, vol. xxxiii. p. 234.

[†] Skirving was the Secretary, and Margarot and Gerrald were leading members, of the "General Convention of the Friends of the People," which was an association formed in Scotland for obtaining universal suffrage and annual parliaments. They were all brought to trial at Edinburgh, in the early part of the year 1794, on charges of sedition, and being found guilty, were severally sentenced to be transported for fourteen years.—Howell's State Trials, vol. xxiii. pp. 391, 603, 803.

[‡] William Winterbotham, a dissenting minister at Plymouth, was indicted on charges of having made use of seditious language in two sermons which he had preached. He was found guilty on both charges, and sentenced to pay two fines of one hundred pounds each, and to be imprisoned for two terms of two years.—Howell's State Trials, vol. xxii. pp. 823—908.

[||] Sir John Scott, afterwards Lord Eldon.

After having bestowed a very warm panegyric on his honourable and learned friend, (Mr. Adam), who had that day delivered one of the most excellent and argumentative speeches ever heard within those walls, Mr. Fox concluded by urging, " that the present question was of the very first importance, not only to the people of England, but to all civilized society. Until such time," continued he, " as there is a law to send me to Botany Bay for publicly avowing my sentiments, I shall think it a duty incumbent upon me to condemn the actions of those in power, whenever they may, as in the present instance, call forth the execration of mankind. If England, unhappily relapsing into despotism, should ever be governed by such principles, then farewell, a long farewell to our boasted freedom!"

The motion was also warmly supported by Mr. Sheridan and Mr. Grey, after which the House divided:—Yeas, 32; Noes, 171.

So it passed in the negative. Mr. Adam then made a similar motion with regard to the trial of Mr. Palmer; and moved also an address to his Majesty, in behalf of Messrs. Muir and Palmer, embodying the various arguments made use of in the course of his speech. They were negatived without a division.

Mr. Fox's Motion for a Committee on the State of the Nation.

1795. *March* 24. The great successes which had attended the arms of the French Republic during the campaign of 1794,* prompted the leaders of opposition, in both Houses, to bring forward a variety of motions urging the necessity of setting on foot negotiations for peace. These having been rejected,

Mr. Fox, pursuant to previous notice, now rose to move, that the House should resolve itself into a committee of the whole House to consider the state of the nation. "Similar motions," he observed, "had often been made, though they seldom had been effectual; and undoubtedly some allowances ought to be granted, nor ought the House ever, in truth, to agree to them without having reasons stated of strong political necessity, arising from the circumstances of the country, the relative situation of other countries, strong instances of misconduct in ministers, or such other grounds as should justify the representatives of the people in resorting to one of the most solemn modes of inquiry known to the constitution. There were some circumstances, he was aware, in which that House would not agree with him in opinion; but there were others in which he believed there would be but one sentiment. Whatever opinion gentlemen might have formed of the general state of Europe, and of our prospects from the prosecution of the system in which we were engaged, however they might clash as to the measures to be pursued, there was one object in which they must all unite, namely, that such was the present state of this country that it was of the utmost importance that the House of Commons should stand high with its constituents, and that it should acquire their confidence by the attention and regard which they paid to their essential interests.

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* The campaign of 1794 was one of the most glorious in the annals of France, and not the least memorable in the history of the world. Beginning on every side under disasters or critical circumstances, it terminated with universal glory to the Republic. The allies, at its commencement, were besieging, and soon captured, the last of the Flemish frontier towns; the Republican forces on the Rhine were unable to make head against their adversaries; the Alps were still in the possession of the Sardinian troops; and severe disasters had checkered the campaign at both extremities of the Pyrenees. At its conclusion, the Spaniards, defeated both in Biscay and Catalonia, were suing for peace; the Piedmontese, driven over the summit of the Alps, were trembling for their Italian possessions; the allied forces had everywhere recrossed the Rhine; Flanders was subdued, La Vendée vanquished, Holland revolutionized, and the English auxiliaries had fled for refuge into the states of Hanover. From a state of depression greater than in the darkest era of Louis the Fourteenth, France had passed at once to triumphs greater than had graced the proudest period of his reign.—Alison's Hist. of Europe, vol. iv. pp. 392, 393, seventh edition.

" With respect to the motion he was about to make, it was not a new one: he had made a similar one in the year 1777,* after the surrender of our army at Saratoga,† a time of great peril and danger; and if the situation of the country was critical and perilous then, how comparatively insignificant were the dangers of that moment to those of the present! Misfortunes now threatened every part of the empire. Though at that time the majority differed from him as to the cause of the misfortunes of the country, they did not think it becoming the dignity of the House to decline going into an inquiry at so awful and momentous a crisis; they thought that they could not discharge their duty to their constituents, when great expense was to be incurred, and great risks to be run, by refusing to inquire into the state of the nation, by which all the strength of our means would be fairly compared with the justice and value of the object to be obtained, and a retrospect had of the conduct of those who were entrusted with our affairs.

" It was obvious that there was now much dissatisfaction in the country, not arising from the influence of French principles, about which undoubtedly there was much difference of opinion, but from the natural effect of a system which had produced so much misfortune and disgrace; a consequence which all the events of the war had served to heighten, as well as all the measures taken at home. There was not a mere majority," he said, " there was almost a unanimity in favour of loyalty; but still there were some dissatisfied minds, and their number was daily increasing. These dissatisfactions had not manifested themselves by plots and conspiracies, the existence of which he always had, and still doubted; but they did exist, and their origin was not affected to be concealed. They arose from the idea that the House of Commons were not the representatives of the people—not even virtually the representatives of the people—for they did not take upon themselves the guardianship of their rights, nor show the smallest alacrity in the superintendence of their interests. If such an opinion had gone forth, what better argument could the persons who were desirous to gain proselytes have, than to say that, even at such a moment as the present, the House of Commons could sit still without bringing the executive government to account; without even going into an inquiry into the real state of the nation, and into the measures which had uniformly produced such calamity and disaster?

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* On the 2nd of December, 1777. See Parl. Hist. vol. xix. p. 512, *et seq.*

† *Vide ante*, p. 104, note.

This argument would be greatly strengthened by the known fact that the general wish of the people was for peace, and that even those who were originally the most loud and vehement declaimers for the justice and necessity of the war, were now eager for opening the door to an immediate negotiation, and for the return of peace, and no longer anxious to catch at obstacles to treaty, but were truly and feelingly convinced that peace, if it could be obtained, was an object to be coveted above every advantage that could be gained by the war. If, when the public opinion was so changed, the House should maintain a blind and implicit confidence in Ministers, and should only show themselves desirous of imposing burdens on the people and of supporting measures which were to induce new burdens, not only without driving Ministers to negotiation, nor even to account for the millions of money and oceans of blood which they had squandered, but resisting a motion to inquire into the use that they had made of the confidence already granted them, what must be the advantage which was given to all the persons in the country who were desirous to spread the dissatisfaction which they felt, and to prove their assertions that that House was in reality lost to all the functions for which it was designed? There were no means by which their arguments could be so well countenanced, and by which they could so effectually spread the dissatisfaction which they themselves felt. In what way, except by invidious distinctions of declamations against the present Ministry, could men like himself, who loved the British constitution, be able to defend it? How could they say that the constitution was essentially good when the House of Commons suffered such a train of misfortunes to pass before them, not merely without punishment, but without inquiry? They might be asked what they had to say in excuse for their supineness, or what possible answer they could give to the just charge of relinquishing their duty, and of resisting the general voice of the people. They might say that the constitution could not be essentially good, under which less attention was paid to the people even than in arbitrary governments. He had always thought that the best defence of the constitution of England was, not that it tallied with the theories of speculative men, not that in its letter there was more appearance of regard to the abstract ideas of liberty than was to be found in its spirit and practice; but that its best defence was its essential uses, its best character was that it had produced substantial happiness to man. Take away this argument, and leave it to those who were dissatisfied with our Government to call upon its defenders to look at its practice, and to say that our executive government had gone on for two years in a system which involved an expense of blood and treasure beyond comparison, in an object which had been never explained, by measures which had uniformly failed, in which every one event had been marked either by disaster or disgrace, or by both; and that at the end of this time the House of Commons abetted the Government in the continuance of the same course, and it would be in vain to contend that the theoretical beauty of the constitution could be illustrated by its practice. They would naturally say, If this constitution be practically good, what constitution can be practically bad? What was the true character of a bad government? That the measures of a prince, though wicked and flagitious, might be persevered in for a time against the interests of his people. This was not always true; for the most despotic princes had not always been able to keep their ministers in defiance of the indignation of the country. If it were possible for the Ministers of Great Britain to persevere in their measures, under such a series of disasters as we had suffered, not only without responsibility, but even without inquiry, then the most just accusation against despotic governments would be applicable to this; and thus the advocates for the British constitution would be deprived of their very best arguments for its defence.

"Convinced of this, he thought, that if he did nothing but state to the House that we had been now two years engaged in a war, in every part of which we had failed, in which all our measures had been disastrous, in which we had lost the object for which we at first pretended to undertake the war, and in which our enemy had gained more than the wildest imaginations of those who drove us into it, ever ascribed either to their ambition or to their principles, he should require no further inducements to prevail on a House of Commons that was eager to discharge its duty, to go into a committee on the state of the nation. He would not, however, content himself with this general argument. An inquiry into the state of the nation would divide itself into various branches. It would be impossible for him, in the course of the short time that he could hope to engage their attention, to go through the detail of all the circumstances which forcibly called upon the House to go into this inquiry; he should state only a few, but these, in his mind, would be sufficient to induce them, if they regarded their duty, to agree with him in his motion; for he owned he did not think it possible for any description of men to commit their reputation so far as to assert that they had done their duty to their constituents, if they refused the inquiry.

"The state of the nation," continued Mr. Fox, "as I have just said, is undoubtedly to be considered in various lights. First of all, as to our own resources with respect to men; with respect to money; and with respect to the using of those men and that money for the purposes of the war in which we are engaged. But these resources of men and money, and the manner in which they are to be used, are not only to be considered by themselves, but we are likewise to consider from whence those resources flow—the state of population, manufactures and commerce, and the general prosperity of the country. When we have done this, we must go next into a consideration of our connexions abroad. We must take a survey of our allies, the dependence to be placed on them, the situation of those allies, and the state not only of their will, but their power to act and to serve the common cause. And even when these points are considered, there will remain others of equal importance to be discussed: I mean with respect to the principles on which we have hitherto carried on the war, and on which we are likely to continue it. It is material when we are engaged in a war, particularly of this kind, which has been qualified by so many different epithets, and on which the eyes of mankind are so peculiarly fixed; it is material, I say, that in such a war we should invariably maintain the character of moderation, humanity, and justice, without which it is impossible that we should also support the character of vigour and exertion, of wisdom and prudence. These are part, and not the least important, of the resources of a country. They are important in another view, because it is essential to consider whether we have carried on the war with justice and vigour, with wisdom and prudence; and though I believe the contrary will turn out to be the case, yet if it should appear that the war was not only just in its origin, but that we have acted in the prosecution of it vigorously and wisely, then I am afraid the result will be complete despair. If our conduct in the management of the war has been marked with vigour and wisdom, and we have been more than two years exhausting our resources ineffectually; I wish to know if, neither from a change of measures nor a change of councils, I have any reason to look for better success in the future operations of this war; I wish to know, I say, what other inference I can draw but that of absolute irremediable despair? If that be the case, the result of an inquiry into the state of the nation will be, that confidence ought to be given to the King's Ministers; for however calamitous the present state of the country may be, if it was brought about without any fault of theirs, undoubtedly confidence ought not to be withdrawn from them. But even in this case an inquiry will be material, because it will lead to a discovery of the true causes of our failure, and of the present distresses of the country, and prove the necessity of abandoning the pursuit of an object which experience has taught us cannot be obtained. The inquiry will be even advantageous to Ministers, by showing that they have acted with justice, wisdom, and vigour, in the steps which they have taken, though they have been unfortunate in the result. But if it should turn out, as I suspect it will, that Ministers have not acted according to any of the principles I have now stated; if it should appear that they have neither acted with justice and humanity, nor with wisdom and vigour; then it is possible that the object may still be obtained though the means must be varied. But, as I have already said, if Ministers have acted with justice and vigour, then the result must be perfect despair; and it belongs to this House to force Ministers, if unwilling, to abandon an object which a period of upwards of two years has proved to be unattainable. For that object, which experience has shown cannot be accomplished by ordinary means, must be bad, and ought no longer to be pursued.

"Now, Sir, with respect to the first branch, I have premised that it is impossible for me to state with accuracy to the House the loss of men in this contest; and if the House goes with me into a committee I should certainly wish to have laid before them an accurate return of the loss of men since the commencement of the present war. First, with respect to the loss of the British as the most important part of the subject, we have had a paper* laid before us this session, which, from what appears on the face of it, cannot possibly be correct. I have compared it with other accounts, on which I admit I have not the highest reliance—those detailed in the London Gazette; and I find a considerable difference between the loss of men as stated in the Gazette, and that in the paper which now lies on our table. The paper upon the table, by giving a return of the privates only, and by omitting to give any return of the officers, serjeants, drummers, &c., diminishes our loss in appearance, at least one-tenth. There are also losses mentioned, although perhaps not specified, in the Gazette, of which no return is to be found in this paper. There is one general item to which I wish to advert—an account of a considerable loss about the 9th of May, and of which no notice whatever is taken in the paper upon the table. I have heard there was some loss of British at Nieuport: British standards were taken at Valenciennes and Condé; and therefore there must have been a loss of British troops also in that quarter. The loss at Bergem-op-Zoom is not enumerated in this account.* I mention these circumstances to show, that if any gentlemen imagine that there was no loss of men during the last campaign, except what appears from the paper on the table, they deceive themselves grossly; and there is but too much reason to suppose, that Ministers have concerted among themselves to make the loss of British appear less considerable than it really is. I have seen returns, which I believe to be authentic, which make the number of British troops, in the month of September last, amount to twenty-six thousand men. Now, are there any hopes, when that army shall come home (and the sooner it comes home the better), that the loss out of that number will not be much greater than we have been taught to believe? Are there any hopes that half of that number will return? A list of the wounded, killed, and missing, will not be sufficient, because undoubtedly in every army there is much mortality not included under what is generally called the loss of men; therefore, instead of calculating the loss from the number of killed, wounded, and missing, we must examine the general state of the army. We must compare its numbers at different periods, and include mortality of every kind. We must not only look to the army in Flanders, but we must look to our army wherever it is stationed, whether in the East or West Indies, or on the Continent. We must also attend to the number of recruits that have been enlisted since the commencement of the present war, and by comparing the number of these and the general state of the army at different times, judge from a view of the whole circumstances what has been the real loss of men. If we follow this method, which I take to be the only just mode of calculation, then I believe we shall find that the loss of men sustained in this war has been such as will make every thinking man, who knows anything of the state of the population of this country, reflect seriously whether we can afford to substitute new armies for the old.

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* See Debrett's State Papers, vol. ii. p. 161 of the Appendix.

"But we ought to ascertain not only the loss of men in the British army and navy, but also the loss of all troops in British pay. When that article comes to be stated, I believe we shall find the loss to be even greater than that of the British. That loss, it is evident, must likewise be taken into the account. But this is not all. If we consider that this is a war in which we cannot act but through the medium of great continental alliances, it becomes a most material part of the consideration to state also the loss of our allies. Is it or is it not true, that in the course of the last campaign only, the number of prisoners of war who surrendered to the French republic amounted to more than sixty thousand men? If this be true, ought it not to induce a British House of Commons to go into this inquiry before we proceed further in a war which has brought so many calamities upon all who have had any share in carrying it on, and which has occasioned so dreadful an exhaustion of blood and treasure? Ought we not to go into a committee of inquiry, to satisfy ourselves of the real state of our population, and to ascertain whether the country is able to bear such drains of men for the purposes of war? If we go into this inquiry, I will venture to assert, that, during the last campaign only, more than sixty thousand men of all descriptions surrendered to the French republic. It is supposed, and I trust it is true, that this country has of late years increased greatly in population. That increase, however, has not been in proportion to its increase of wealth and prosperity. From some documents which were recently laid before the House, we find that the number of houses in Great Britain now paying taxes to Government, does not materially differ from the number of houses paying taxes to Government in 1777, a period of eighteen years, during which we are supposed to have advanced considerably, both in point of wealth and splendour. I know that many persons reject this account, and say it cannot be true, because it is contrary to general observation. Now, with respect to houses paying taxes, it most certainly is correct: and it may be asked, whether the great increase of houses of late is of such as pay taxes, or of cottages of the lower sort which are exempted? I have one more observation to make on this paper. In looking it over, I immediately turned my eye to those places where I conceived the population had most increased. I looked at Middlesex and Lancashire, and I found, according to this paper, that the increase there has been considerable, and likewise in some other places; but that in other counties of Great Britain this increase seems to be balanced by a general decrease; and, therefore, the paper on the table, though not wholly to be relied on, is not wholly to be rejected. The increase in the two counties of Middlesex and Lancaster, which I have just mentioned, confirms the accuracy of the statement. The result, then, seems to be, that the population of Great Britain has not increased in proportion to its apparent wealth and prosperity, and that it cannot afford to repair the loss of blood which it has already suffered by the war.

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* These places were now all in the possession of the French.

"But it may be said that his Majesty has other dominions from which resources of men may be procured. I particularly allude to Ireland, to which, before I sit down, it may be proper for me to advert. There is no one circumstance in which our sister kingdom, from her happy connexion with this country, is of more importance than in the number of men which she furnishes to the army and navy of Great Britain in time of war; and if, by any strange and crooked policy, that country should be alienated in affection from this, and lose that zeal which has commonly distinguished her in the public cause—I say, if any misguided policy should unfortunately produce such an effect, it is obvious that all the observations I have made on the population of this country, and its inadequacy to support such a ruinous war as that in which we are now engaged, will be strengthened to a degree which those who are not well acquainted with this subject can scarcely conceive.

"The next article of resource which I mentioned is that of money. We have in the course of this war funded somewhat above fifty millions, and when we add to that the increase of unfunded debt, we shall find we have already incurred an expense of between sixty and seventy millions, and the permanent taxes which have been imposed in consequence of the present war, cannot at this moment be much less than three millions sterling. Now it is said that, though the permanent taxes of the country have been increased in order to supply the exigencies of the state, yet they are not such taxes as will be felt by the people in general. How far some of them have been well selected or not, is a question on which I shall not take up the time of the House to discuss. I shall only observe, that if they are necessary, they must be borne, unless better can be substituted in their place. But to say that the taxes of last year, and particularly those of the present, will not fall, and fall with terrible weight, on the middling ranks of the people, is to speak without any knowledge of the situation of the country. It is true, that it is proper to tax luxuries in preference to the necessaries of life: it is proper to tax heavily the higher orders of society, because they are well able to bear the burden. But it has been falsely supposed, that in proportion as the rich are taxed the poor are relieved. In the present state of this country, those taxes which Ministers call taxes on luxuries fall heavy indeed on the most numerous class of society, and consequently must fall with peculiar pressure on the poorest. The idea of imposing taxes which shall fall upon one class only, and shall in no degree be felt by the others, however plausible in theory, is in fact an idle dream. We cannot lay a tax on the poor that will not fall on the rich; and, I am sorry to say, it is not possible to impose a tax on the rich which will not be felt by the poor.

"But let us admit for a moment that these three millions are not a burden too heavy for the people to bear—if this war is to go on, let me ask the right honourable gentleman opposite whether he has considered of the absolute necessity of imposing burdens for the next campaign to as great an amount, and possibly to a much greater than any which this country has yet experienced? For, if the war goes on, our burdens must necessarily increase in proportion to the length of its duration. Let it not be said in answer to this, 'Sufficient for the day is the evil thereof.' This is not an answer fit for a statesman to make, nor is it the answer which a British House of Commons ought to receive. This House ought to calculate on the continuance of the war, and to consider what are the resources by which it is to be supported. We ought to consider how far the people are able to bear more taxes, and the different branches of our trade and manufactures capable of supporting additional duties, for that more will be necessary in the course of the next year is what no man will dispute. Do not all these circumstances incontestably prove that it is the bounden duty of this House to go into an examination of the present state of the country, and to prove to our constituents, and to the people at large, that, as we have not spared their blood and treasure, so we will not spare our own labour or responsibility? It is only by entering into this investigation, and by comparing the object with the means, that we can determine whether we ought to renounce the object, or change the means by which that object is to be obtained; or whether we are to continue the same hopeless object with the same hopeless means; whether with the same administration, with the same advisers, we are to persevere in a system which has hitherto produced nothing but misfortune and misery.

"It is said, however, that our resources are supported by the trade and manufactures of the kingdom, and that these are in a most flourishing condition. In order to show how far this assertion is well founded, let us examine a little the state of the trade and manufactures of the kingdom; and first of its manufactures. I wish to refer to those counties where the manufactures of Great Britain have been carried to the greatest perfection, and to know of gentlemen who are better acquainted with the state of those counties than I can pretend to be, what effect the present war has had upon them. I wish to know whether the manufactures have not been most materially injured by the war; and whether the circumstance of their appearing to have suffered less last year than in the year preceding was not owing to our gaining the possession of the French West-India islands.* I wish to know whether this was not one of the fortunate circumstances which had the effect of affording a temporary relief, but to the duration of which we cannot look with any reasonable prospect. On a former day,† when the right honourable gentleman opened the ways and means of the year, flourishing accounts were given of the amount of our exports of British manufactures in the years 1792, 1793, and 1794. We were told that the exports in the year 1792 amounted to upwards of eighteen millions sterling; that the exports in the year 1793 were less than those of 1792, by four millions; and that the exports in the year 1794 exceeded those of 1793 by two millions, and consequently were only two millions short of 1792. Now, the loss of the first year of the war being two-ninths of the whole exports of British manufactures, must strike at the very root of our commerce. This is a loss which must impress every man, and must go to affect the very basis of our prosperity. The circumstance of the exports of British manufactures last year being two millions more than they were in 1793, is easily to be accounted for. I appeal to those gentlemen who are best acquainted with the commercial districts of the kingdom, whether it was not in a great measure owing to the sanguine speculations of some merchants in consequence of our lately acquired possessions in the French West-India islands. I would ask those who are acquainted with the county palatine of Lancaster, what has been the diminution of population since the commencement of the present war. I have seen papers myself, the contents of which, if the proposed inquiry is entered upon, I shall state to the House. According to those papers, the diminution of population and of manufactures in Manchester and its neighbourhood was truly alarming. We have no very accurate mode in Great Britain of ascertaining the population of the country.* We have no better method, I believe, than by taking the number of baptisms and burials. I have seen papers with regard to a great number of parishes in the most populous part of Lancashire, and the diminution, taken from a calculation of baptisms and burials, is in some places one-half, in others one-third, and in none less than one-fourth. In all there is a diminution, and in the largest parish of Manchester it is estimated at one-half; and that to a number so large as to make the total diminution of the inhabitants amount to about twelve thousand. That this should be the consequence of the war is exceedingly natural. But I would ask the House whether, when the very existence of the country is at stake, it does not become them to ascertain the truth, which can only be done by an inquiry into the state of our population and of our manufactures, instead of trusting to the absurd and idle expressions of the inexhaustible resources of the country. The information we might receive from a serious inquiry into the real state of our population, might induce us to change our means, or perhaps to change our object.

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* Soon after the commencement of hostilities in 1793, Tobago was taken by a British squadron; and in the spring of the following year, Martinique, St. Lucia, Guadaloupe, Les Saintes, a cluster of small islands between Guadaloupe and Dominica, and the principal forts of St. Domingo, fell into the possession of the English. In the month of December, 1794, however, Guadaloupe was recaptured by the French.—Alison's Hist. of Europe, vol. iv. pp. 317, 318, seventh edition. Adolph. vol. v. p. 495, vol. vi. p. 25, *et seq.*

† February the 23rd, 1793. See Parl. Hist. vol. xxxi. p. 1307, *et seq.*

"Now, Sir, another part of the resources of this country is our trade and commerce, as distinguished from our manufactures. With respect to the trade of this country, when I made a motion last year for an inquiry into the conduct of the Admiralty, after taking considerable pains to state a variety of instances where, as I conceived, the Admiralty were highly negligent of their duty in not protecting the trade of the country, I received this short answer—'Look to the low rate of insurance.' Having found that to be an argument so powerful with the House, I took some pains to inquire into the state of insurance, and will state some circumstances on this subject, which appear to me to afford sufficient ground for going into the proposed inquiry. It may be supposed that the motion respecting the Admiralty might give rise to an opinion among the underwriters that it would induce Ministers to be a little more attentive to the protection of our trade in future, so as to make the risk somewhat less. I am not now deciding whether that be true or false; but it certainly was calculated to keep down the rate of insurance. The fact, however, is, that insurance from that time has been uniformly rising, until it has come to its present most enormous rate, a rate so enormous as the House may perhaps find some difficulty to believe, till the fact shall be ascertained by an inquiry. At present, insurances from this country to Jamaica, and to other parts of the West Indies, with all the alliances we possess, is as high as it was in the late American war, when this country had to contend with France, Spain, Holland, and America. With so many powers in confederacy, and France now our single enemy, insurance to the West Indies is as high as it was at that time when we had so many powers leagued against us, and when the fleets of France and Spain united were confessedly superior in number to the fleets of Great Britain. With regard to the Mediterranean trade, strange to tell! at this period, after all that we have expended on the fleet there, insurance to that quarter is much in the same situation as it was during the last war.

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* The first actual enumeration of the people of England and Scotland was made in 1801: subsequently enumerations were made in 1811, 1821, 1831, and 1841. In Ireland, the earliest enumeration was made in 1813, since which time a census has been taken in each of the years 1821, 1831, and 1841.

" With respect to the trade with Spain and Portugal, the present rate of insurance will appear to be as high as I have now stated it. With respect to the state of our trade with Spain, I understand that it is totally stopped with some of the ports of that country, on the ground that insurance is so high that the trade cannot be carried on. The insurance from Great Britain to Bilboa, or to Barcelona, is from twenty-five to thirty guineas per cent., and to add to this, the merchants are not only obliged to insure the cargo, but also the premium on it, otherwise they would only receive seventy pounds in the hundred: admitting the premium to be from twenty-five to thirty guineas, the real rate of insurance must then be from thirty-six to thirty-seven per cent. Now, whether it is possible that the trade of this or of any other country can support such a rate of insurance, it is for those who are better acquainted with this subject than I am to explain. I believe no trade whatever can go on with this rate of insurance, and therefore another mode has, I understand, been adopted: that a great part of our manufactures have been sent to Hamburgh, and from thence have been conveyed in neutral vessels to Spain and Portugal. The same fatality that has accompanied every part of the war has been felt here; the price of insurance between this country and Hamburgh, which was formerly only one or one and a half, has now increased to ten per cent. When this subject was last before the House, facts were adduced to show that insurance was not only very low, but extremely advantageous to the underwriters. But is not the fact now directly the reverse? Has not the credit of the underwriters been greatly diminished in consequence of the losses they have lately sustained?

Although individual underwriters may be found who will underwrite policies at seven per cent., merchants prefer paying companies ten per cent. on account of their superior security. So low is the credit of the underwriters! This clearly shows that, high as the premium is, it has not been high enough to insure the underwriters. I mention these facts, with respect to insurance, because without them my argument would have been incomplete. I have not stated the present rate of insurance with any view to show how ill our naval force has been employed for the protection of our trade; but I have stated it merely to prove that, from the high price of insurance, there is every reason to believe that trade and commerce, the great basis on which our revenue and power rest, are affected in a considerable degree, and, therefore, that it is of the utmost importance to consider the real state in which we at present stand.

"I now come, Sir, to the next point to which I alluded—I mean our connexion with other nations. It is hardly credible that a British House of Commons should so far forget their duty as to vote away sums never before heard of; and persist in the prosecution of a war without even knowing whether we have allies, or if we have any, who they are; what are their situation and circumstances; and what their abilities and inclinations. It is material for this House to know who the allies of this country are. I have frequently asked the right honourable the Chancellor of the Exchequer questions with respect to the Emperor and the King of Sardinia, but I have never received any satisfactory answer. Is the King of Prussia an ally of this country at this moment, or is he not? Am I to take it for granted, without giving myself the trouble to inquire, whether so material a personage is or is not our ally? I know he was our ally by treaty in 1788; I know he was our ally by convention in 1793; and further, that he was our ally by subsidy in 1794; but I ask whether he is our ally at the present moment? Did the King of Prussia fulfil the treaty for which the subsidy was granted? If he did, why was it discontinued? If he did not, ought not this House to be apprised of his breach of faith? Ought not this House to be informed of the moment in which he ceased to be our ally? It is indispensably necessary for the honour of this country, that this House should have a perfect knowledge of the whole of this business; for without that knowledge we cannot pass a judgment on the conduct of the King of Prussia. If, when we go into this inquiry, we find that he has kept his engagements with this country, we shall be enabled to do justice to that much-injured Monarch. But if, as I suspect, he has not, is it not fit that this House should call to account the King's Ministers for having squandered away such immense sums of the public money? An inquiry, in every point of view, will be productive of advantage; for, by going into a committee, we shall be enabled to see distinctly whether the King of Prussia has fulfilled his treaties; and if he has, I am sure this House will be disposed to do ample justice to so good a Prince. But if the contrary shall turn out to be the case, if it shall appear that he has notoriously failed in the performance of his engagements—is it not material that this House should declare its indignation at such conduct, and show that they will not tamely suffer themselves to be so duped by any prince in future? If the King of Prussia is no longer an ally of ours, what becomes of his other treaties? Let me remind the House, that the King of Prussia was to send into the field sixty-two thousand men, but that we were only to pay for thirty thousand. In consequence of the treaty of 1788, he was to furnish us with thirty-two thousand men, without any additional subsidy; what, then, has become of that treaty? We readily gave a subsidy to the King of Prussia to furnish us with thirty thousand men. He was bound by a former treaty to furnish us with thirty-two thousand men for nothing; but now it turns out that we have not only lost the thirty thousand men we subsidized, but also the thirty-two thousand we were to have for nothing in virtue of his previous engagements. Now I ask, is such conduct to be borne? and are we to be told of the advantages to be derived from alliances with regular governments, and of the dependence to be placed on the regular government of Prussia? France is not a regular government, and we have heard much of the danger of treating in any shape with her: but Prussia, we are told, we may rely on; and the result has been, that instead of having what we stipulated and paid for in the last instance, we lose what we were entitled to by previous agreement. And, notwithstanding this flagrant conduct of the King of Prussia, a British House of Commons consents to squander away the wealth of the country, to lose the whole army supposed to be purchased by it, merely because the Minister chooses to say he is not informed of the particulars of the breach of that treaty! The question now is, whether this matter is to be inquired into or not? The Minister adds, that even admitting that the King of Prussia has not sent into the field the armies he undertook to send, it is not thence, in fairness of reasoning, to be inferred that our other allies will not be faithful to their engagements. I have heard it asserted in this House, that the King of Prussia continued to execute a part of his stipulation for a considerable time, and that the payment on our part was discontinued when he failed in the performance of his engagement. It was asserted by an honourable baronet, that the part he acted was more beneficial to the common cause than if he had strictly and literally conformed to the terms of the treaty. Let this curious assertion be inquired into and ascertained. If it shall be proved, let the House do their duty, and render justice to that ill-treated monarch; let them declare that Ministers have acted towards him with treachery and injustice; or if not, let them do justice to Ministers, and declare that their conduct has been wise and upright.

"But, Sir, I have at this moment no certain means of information as to what we have to look for from the prosecution of the war. I have read in some of the newspapers that the King of Prussia is sending a large army to the Rhine, and in others, that he considers the Rhine as a proper boundary for France; it is said by some, that he is marching towards Westphalia against the French, and by others, that he is marching against the allies.

Now we ought to know precisely the truth. I wish to ascertain what probability there is that he will be our ally, that he will be our enemy, or that he will remain in a state of neutrality? What demands have been made from this country with a view to an explanation, and in what manner has he treated the applications of the British Ministry for that purpose? I want to know what communications have passed, and what remonstrances have been made; for remonstrances must have been made, or Ministers must have grossly neglected their duty. The treaty of 1788 was a defensive treaty. France declared war against us; and therefore, say the gentlemen on the other side of the House, we were forced into the war by their aggression. I confess I shall doubt their sincerity, unless they have called upon the King of Prussia to perform his treaty. Although his Majesty's Ministers might say to the King of Prussia, 'We have been attacked by France, and therefore call upon you to assist us, agreeably to your treaty,' that monarch might have replied, 'No—I know better, though you have procured a confiding Parliament to say so; you were the aggressors, and therefore I am not bound in consequence of my treaty, which was only defensive, to furnish you with thirty thousand men.' I ask the House, whether they can so far betray their constituents, as to go on without inquiring what the conduct of the King of Prussia has been towards this country, and what our conduct has been towards him.

"There is another answer which may possibly be made by the King of Prussia in vindication of his conduct, and which would explain the assertion of the honourable baronet. He may say, 'The object of this war was not the saving or gaining of this or that particular province, the capture of a town, or the recovery of a fortress. The object of it was the suppression of those Jacobin principles that were subversive of all regular governments.' He may say (as has been stated by an honourable baronet*), 'I have done better for you than you have done for yourselves. It was essential to crush Jacobin principles in Poland. You fought for morality, religion, and social order. I fought to suppress those anarchical principles which went to the destruction of all regular governments. Who was of the greatest service to the common cause, he that took a town, a city, a fortress, or an island; or he that prevented Jacobin principles from taking root in Poland, and dashed the cup of rising freedom from the lips of that abominable people?' The overthrow of even one man—the overthrow of Kosciusko†—who by his character gave credit to the cause of liberty, and by the ardour of his zeal animated the sacred flame in every congenial bosom throughout Europe—what signified the recovery of Flanders, or the preservation of Holland, to the capture of Kosciusko? The overthrow of this man, and with him of the seeds of growing liberty, tended more to the success of the real cause of the confederacy than any co-operation with their troops which might have been the means of saving Holland or of recovering Brabant! If so, the country should know, through the medium of this House, that his Majesty's Ministers have advanced twelve hundred thousand pounds to the King of Prussia, to enable him to subdue Poland; for without our assistance, he could not have effected what he has done in that country; and if he had not been employed in that quarter, he would have done as much for the common cause against France as he has done, *which is just nothing*. Does it not become us to inquire into this business, in order that we may drive disgrace from ourselves to those on whom it ought to attach?

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* Sir William Pulteney.

† Kosciusko, the Polish general, had been taken prisoner at the battle fought near Marciowice on the 10th of October, 1794, between the Russians and Poles.

"The King of Prussia, I suppose, is no longer to be considered as our ally;* but if he is, let us look to his ability, and consider how far he is to be depended upon. From an authentic paper, I find him stating to the Diet of the empire his situation; in which he declares it is utterly impossible for him to continue the war. He announced, about twelve months ago, that he had actually begun to withdraw his troops from the Rhine homewards, on the ground of his incapacity, in a pecuniary point of view, to support such large armies; and he continued to withdraw his troops until he received assistance from us. It is therefore clear, that without additional pecuniary aid from this country, whether willing or unwilling, he is totally incapable of prosecuting the war; and therefore, if we are to look upon him as an ally, he must be subsidized or hired; nay, possibly, we may be obliged to purchase his neutrality; and even in that case, I know not but he may make us pay for every one of his troops. Considering, therefore, the King of Prussia as much more likely to assist the French than to co-operate with us, we must regard him as a person gone off from the alliance.

"I now come to our great friend, the Emperor. I am told that it is most unjust, indeed, to reason from Prussia to Austria, or from Leopold to Francis; that the present Emperor is a personage of unsullied integrity; that we are not to judge of him from the character of some of his predecessors; and that we are to consider the Court of Vienna as completely unblemished in point of honour. We find that the Emperor has made declarations nearly to the same effect as those of Prussia. In the exhortation† published by the Prince of Cobourg, he says to the people of Germany, 'You must take your plate from your table—you must take your plate from your altars—you must collect all your valuables, whether profane or sacred —you must put all the property you possess in a state of requisition; for without such extraordinary exertions, the Emperor cannot carry on the war.' But, it may be said, we will enable him to come forward with a large force, by granting in aid of his resources a loan of four or six millions. Now if the Emperor, either from inclination or inability, should fail in his engagements, and should, contrary to his character for good faith, neglect to perform his treaty, we have not even that miserable tie on him which we had on the King of Prussia. When the Emperor ceases to perform his treaty, we cannot stop our payments, because the Emperor says, 'Give me it all at once.' Our money, therefore, is absolutely necessary to enable him to stir in the first instance; and if, either from want of ability or any other circumstance, he should fail to perform his treaty, it is obvious that the money we advance him must be irrecoverably lost. And further, if so large a sum is necessary to enable his Imperial Majesty to act in the present campaign, will not an equal or a larger sum be wanted for the next campaign, if the war should continue? And therefore gentlemen must clearly see that the whole of the burden of the war will fall on this devoted country. When Great Britain entered upon this war, she was promised the assistance of all Europe; and in less than twenty-four months, the whole burden of the war has devolved upon Great Britain!

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* Preliminaries of peace between France and Prussia had been signed on the 22nd of January, 1795.—*Vide* Alison's Hist. of Europe, vol. v. p. 43, seventh edition.

† See Debrett's State Papers, vol. ii. p. 145.

"But it is said, we have other allies. We have allies in Italy and Spain. But, alas! although we pay great subsidies to the Italian princes, we have scarcely heard of a movement in that quarter. Indeed, to consult the London Gazette for 1794, we might suppose Spain and Italy to be neutral powers, as no notice is taken of their military operations during that period. With respect to the King of Sardinia, our first ally in Italy, whatever gentlemen may have thought at different periods of this war, it is possible, if he had enjoyed a real and *bonâ fide* neutrality, it would have been much more beneficial to this country than any diversion which he has been able to make. With regard to the diversions attempted in the south of France, what advantage the cause of the allies has reaped there from diversions I am at a loss to discover, and I believe this House has yet to learn.

"But we have another ally, the King of Spain. Now what is the real state of Spain? It is of importance that we should turn our view to the present situation of that country. A great part of its north-eastern provinces has already been conquered by France; Bilboa and Barcelona are in a considerable degree of danger. Are we to look, then, to the Spanish monarchy as being possessed of force sufficient to act against France with effect? Or is it not that part of the alliance which is the most weak, and on which it is probable the French will soon make an impression, that will decide the fate of the war in that kingdom? I was told, there was such a store of vigour in that country, that the people would rise in a mass against France. But when that came to the trial, there was nothing which apparently so much contributed to the failure as the individual treachery of the officers of the King of Spain; in no quarter was there so much cause for jealousy, or of a want of disposition to resist the French. It may be asked, Was Figueras taken by the French, or did it not surrender? It is extremely probable that French intrigue upon this occasion operated more than French force. It was also imagined, that the bigoted attachment of the Spaniards to the Roman Catholic religion would inspire them with vigour against the French, who are supposed to have trampled upon all religion. But was this the case? We know the reverse to be the fact.

"But what is the state of Spain in other respects? Of all parts of Spain there is none in which there is so much vigour as in Catalonia; into the heart of which the French have penetrated. What was the history of that people? When the French, by their arms, had made a considerable advance into this province, the people of Barcelona determined to resist their progress, and to undertake their own defence. Accordingly, they sent a deputation to that effect to Madrid, stating that they wished to undertake the defence of the country, and that they would defend it to the last drop of their blood, provided no Spanish troops were sent to their assistance, except some particular regiments, which they specified, and provided an assembly of the state was called. This deputation received no answer; or rather they received a direct refusal; and the French found but too easy a conquest in that province. I mention this to show that Spain is not a country to be depended upon, and that she is one of the weakest of our allies. The King of Sardinia and the King of Spain were to have made different diversions in aid of the confederacy. The King of Sardinia undertook to make a diversion in Dauphiny, and at this moment the French are masters of Nice and Savoy. Spain engaged to make a diversion in Rousillon, and the French are now in possession of Navarre, Biscay, and Catalonia. All these allies, therefore, upon whose exertions so much dependence was placed by the Ministers of this country, are now so many dead weights upon our treasury.

"Are the Spaniards in a much better situation in regard to their finances? It is true they have not yet called upon this country for a subsidy; but they must either soon make that application, or, what will be much more beneficial for themselves, make a separate peace with France. They have had recourse to measures of finance of a very extraordinary nature. I shall name one of them. Gentlemen will recollect that, in the case of last year, an honourable friend of mine made a motion in this House for laying a moderate tax on all offices and employments under Government during the war.* The House will recollect with what ridicule that motion was received. It was considered as a paltry resource, to which no nation, that was not utterly exhausted in its finances, ought to resort. But what has the King of Spain done? The Spanish court has laid a duty of four per cent., upon every person enjoying any office in Spain above one hundred and fifty pounds per annum, and a tax of twenty-five per cent. upon the salaries of all the councillors of state, for the support of the present war.† I am not commending this expedient. I am only stating it to show what the situation of Spain is with respect to her finances; and how little the allies can rely on that country for support in the prosecution of the war.

"Such, Sir, is the real situation of our allies according to the best information I have been able to procure. And is not this an additional argument for going into an inquiry into the state of the nation, in order to ascertain distinctly the precise dependence we ought to have on the exertions of our

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[*] On the 8th of April, 1794, Mr. Harrison made the motion alluded to.

[†] See Debrett's State Papers, vol. ii. p. 178.

allies? I shall next proceed to the consideration of our own conduct, and to examine what strength we have derived from the estimation which rectitude and dignity, moderation and justice, have procured us in the eyes of Europe. I am one of those who firmly believe that the greatest resource a nation can possess, the surest source of power, is a strict attention to the principles of justice. I firmly believe that the common proverb, of honesty being the best policy, is as applicable to nations as to individuals; that is, that what the conviction of mankind has made an axiom, is universally true; and that cases which may sometimes be supposed exceptions arise from our taking narrow views of the subject, and being unable at once to comprehend the whole. If, therefore, we have been deficient in justice towards other states, we have been deficient in wisdom, and have enfeebled our arm in our efforts against the enemy. Justice is fairly to be ranked among the number of our resources; and it is the duty of the House to inquire whether or not our conduct, since the commencement of the war, has been such as to entitle us to the good opinion of the wise and observing part of mankind. I am not now going to discuss the justice of entering into the war; but I wish to call the attention of the House to the conduct of the King's Ministers in prosecuting it. For whatever may have been the motives which induced Ministers to enter upon it, the means they have employed in carrying it on are fit subjects for examination in this House. When we entered upon this war we were sanguine enough to suppose that all the civilized part of the world would see it with the same eyes as we did. When I represented in this House that the plan of starving France adopted by Ministers was absurd and impracticable, for that France would receive supplies from neutral nations; when I stated the means by which neutral nations might supply France, I was answered, that in this war the neutral nations would be very few, if any. But what is the case at the end of two years? That neutral nations are many and increasing; and that the great neutral nation, America, has continued neutral from the beginning. It is of infinite importance to a nation that respects its honour—that even respects its interest, which is inseparable from its honour—to gain the good opinion of surrounding nations for justice, magnanimity, and moderation. Has Great Britain done this, or the reverse? What has been your conduct to Sweden, to Denmark, to Genoa, to Tuscany, to Switzerland—to America while you durst? I do not speak of any particular Minister at foreign courts: for many of those Ministers I feel great respect, and with some of them I am connected by friendship. I am ready to admit that, if they acted contrary to their instructions, Ministers at home are not responsible for their conduct; but I am persuaded that they did act according to their instructions; for, if they did not, Ministers here were bound to recall them and disavow what they had done.

"With respect to America I shall say nothing at present, except that, after giving orders for taking her ships, we recalled those orders, and have since entered into a treaty by which we agree, properly I believe, justly, and if justly, wisely, to pay for the rashness and folly of issuing them. Next, with regard to Denmark and Sweden, which were in this case so intimately connected in point of interest, that whatever was addressed to the one might be considered in fact, although not in form, as addressed to the other. To the Court of Copenhagen we presented memorial after memorial, couched in the most peevish and offensive terms of remonstrance, on the neutrality of his Danish Majesty. These memorials were answered by the Minister,* M. Bernstoff, with such temper, firmness, and diplomatic knowledge, as obliged us at length to desist, and raised his character higher than that of any Danish Minister ever was before. We engaged in a diplomatic contest upon the subject of neutrality, in which we showed our complete ignorance of the rights of neutral nations, and were foiled accordingly.

"What has been our conduct towards the Grand Duke of Tuscany, a prince who, although belonging to one of the most illustrious families of Europe, is known not to be possessed of any great military power? Lord Hervey goes to the Grand Duke of Tuscany—not to the Emperor, the King of Prussia, or any potent monarch—and says to him, 'Can you pretend to maintain neutrality with such a Government as that of France?'—calling the French Government all the hard names which 'regular Governments' think themselves authorized to bestow upon it; and not recollecting that one of the heaviest accusations against the French was their having presumed to intermeddle in the internal politics of other nations—'Can you basely refuse joining the league against the murderers of your aunt, the declared enemies of your whole family, and the avowed subverters of all established government, order, and religion? I know to what cause your hesitation is owing. It is because you give credit to bad ministers; it is because you lend too favourable an ear to the advice of your Minister Manfredini, a man who has gained a pernicious ascendency over your mind, but who ought no longer to have any share in your councils.' Lord Hervey, after thus telling an independent prince that he was not to listen to the advice of his own ministers, might with equal propriety have gone on to tell him that he ought to be guided solely by the counsels of the right honourable gentleman over against me. 'Your ministers,' he might have said, 'are ignorant and incapable; the British ministers are wise and able. Observe into what a situation they have brought their own country, and you cannot doubt with what wisdom and vigour they will consult for yours.' This language of Lord Hervey has never been disavowed by Ministers. It has even been imitated by his successor, and therefore I must consider it as having been the language of his instructions. And thus by menace and insult was the Grand Duke of Tuscany compelled to renounce his system of neutrality, contrary to his own inclination, to the advice of his ministers, and the interests of his people. Such was the conduct of Ministers when we were powerful in the Mediterranean. Lord Hervey was at length recalled, and another gentleman whom I personally respect was appointed in his stead, and instructed to follow the same course. At last, after we lose our power in the Mediterranean—when events turn out against us—we submit, not only to the neutrality of the Duke of Tuscany, but to his concluding a treaty of peace and amity with the French Republic!

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* See Debrett's State Papers, vol. i. pp. 329—331.

"In Switzerland, Lord Robert Fitzgerald, for whose character I have too high a respect to suppose that he would exceed the letter of his instructions, in the name of the King of Great Britain, tells the independent Swiss Cantons,* in the language of insult and injustice, "That he will not decide, whether justice and the true interest of a state permit it to remain neuter against those who would again reduce it to barbarism, in a war of almost all the powers of Europe, in a war where not only the existence of every established Government, but even that of all kind of property is at stake. He will only observe, that neutrality itself will not authorize any correspondence, directly or indirectly, with the factious or their agents.' He tells them, in effect, that although they may call themselves neutral they are not to allow their subjects to reap the benefits of that neutrality by intercourse with France. Who made you the arbiters how far intercourse ought to be allowed by independent states between their respective subjects? Where did you get the right? Or, if you have the right, where is your power to enforce it? The Swiss Cantons return a civil and dignified answer, 'That a rigid and exact neutrality was the invariable maxim of their ancestors; and having received it as a sacred inheritance they conceive it their duty to abide by it. That they trust his Britannic Majesty, following the example of his illustrious ancestors, will respect the independence of the Helvetic Confederacy.' In the meantime they carry on their intercourse with France in as high a degree as it is their interest to do, regardless of our menaces; and we have now the mortification to feel that the coarseness of our insult was equalled only by its impotence. We have nothing to boast of but the rashness of our design, and the meanness of the attempt to carry it into execution.

"What has been our conduct towards Genoa? Ministers hold the same language towards that state, and tell them, 'If you continue in your neutrality, it must be offensive to the combined powers, and may give occasion to revive claims which must lead to disagreeable consequences.' A meaner threat never was employed. Who are the parties in this mighty contest? Great Britain, taking upon herself to dictate for all the combined powers, and the republic of Genoa—this country not only admonishes the republic of Genoa against observing a neutrality, but threatens her with war if she does. Look at this, and see a picture of insolence, injustice, and meanness, exceeded only by the feebleness of the attempt to follow it up! The fortune of war being against us, even the little republic of Genoa is stout; and after blockading her port, we are content to withdraw our ships, and forced to submit to her neutrality with an ungracious apology for the injustice we have done. By such conduct we have impaired the character of the nation for justice and magnanimity, and given to Great Britain a character of meanness and insolence which was never before imputed to her—a character which has destroyed more countries than the loss of armies. To put this in a stronger point of view, let us contrast it with our conduct to America. Did we tell America that all intercourse with France was disgraceful, until France should restore her king? No! It is only to the weak and defenceless that we talk big: to the great and powerful we apologize, and agree to pay for all the injustice we have done them. If any one principle in the law of nations be clearer and more generally acknowledged than another, it is that of a right in every nation, which no treaty obliges to the contrary, to preserve a complete neutrality. Let gentlemen consider the sacredness of this right, and the miserable condition of every weak country, if, whenever great powers go to war for what they may call the cause of justice, order, religion, and regular government, but what others may think views of ambition and aggrandizement, every weak prince, every petty republic, were to be compelled to take a part in the contest. If such were to be the condition of society; if men were not allowed to enjoy that neutrality which their independence entitles them to; they would begin to doubt the benefits of society, and listen to the paradoxes of those who maintain that all established rules and principles are the bane of society.

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* See Debrett's State Papers, vol. i. pp. 296—298.

"If the House shall agree to go into the committee, it is my intention to move for the correspondence between his Majesty's Ministers and their agents at foreign courts; not for the purpose of punishment, but to vindicate their and the national honour. If it should turn out, as I believe it will, that our ambassadors have acted consistently with the letter and spirit of their instructions—that they have only used the words and sentiments of the Cabinet of Great Britain; then it will become this House to show that Ministers are not the nation, and that whatever may be their principles, the principles of the nation are justice and magnanimity. It will then become us to show to all Europe, that we would rather hold high language to the strong and powerful than to the weak and defenceless; that instead of insulting and injuring the weaker states of Europe, our inclination is to protect them against the greatest and most powerful.

"I shall now, Sir, without considering whether this war was justly or unjustly undertaken, proceed to examine with what wisdom and upon what principles it has been conducted. I shall pass by all the considerations that ought to have preceded our determination to go to war, great and important as in my mind they were, and suppose war actually resolved upon. When we had come to this resolution, was it not, I ask, of the utmost consequence to our success that the object of it should be clear? No two things can be more distinct from each other, than fighting for a country and fighting against it. If Ministers had acted up to the character of statesmen, they would have taken one or other side of the alternative, with all its advantages and disadvantages. They would have said, 'We are going to war with France, not on account of her form of government; we care not what form of government is established in France. It is of no consequence to us whether that country be governed by a monarch, a convention, or a Jacobin Club—this is no cause of war. But we go to war against France to protect our allies, the Dutch, and to avenge the insults she has offered to the British nation.' Or they might have taken a different course, and have adopted the idea of a right honourable gentleman (Mr. Burke), not now a member of this House,* of whose great genius and distinguished character, although I have lately had the misfortune to differ from him in opinion, I shall never speak but in terms of the highest respect and admiration. They might have taken the course pointed out by that right honourable gentleman, who, by rather an odd figure, said, 'We are not fighting for the Scheldt; we are fighting for the destruction of the greatest evil that ever threatened the civilized world—the French Revolution; we are fighting for the restoration of monarchy in France; we are fighting for the re-establishment of regular government; to restore the emigrants to their property: we are fighting for the French nation against the French Convention; we are fighting for our constitution, our monarchy, our laws, our religion, our property; for unless monarchy be restored to France, monarchy will not be safe in other parts of the world; his Majesty will not be safe upon his throne; unless their property be restored to the emigrants, the property of every man in this country is insecure.' When his Majesty's Ministers determined on the prosecution of this war, they should have made choice of one or other of these alternatives, each of which would have had its inconvenience. If they had chosen the former, and said, 'In going to war with France, we wish to have nothing to do with the nature of her government—we are totally indifferent about her internal situation, and only fight to compel her to make atonement for insults offered to us;' it would have been attended with this inconvenience—we should have had no pretence for expecting the assistance of any French emigrants, or of insurgents in any part of France, except in as far as by resisting the Convention and endeavouring to promote their own views, they might, without intending it, facilitate the accomplishment of yours. We should have had no claim upon the inhabitants of La Vendée, Brittany, Lyons, Marseilles, or any other place where hatred of the Convention provoked insurrection; because neither with them nor with the French emigrants should we have had common cause. We should have had no right to look for the co-operation of those powers, whose object was the restoration of Louis the Seventeenth to the throne of his ancestors. But, on the other hand, we should have had what, in my opinion, would have fully compensated all these disadvantages—we should have quarrelled with France on equal terms, and fought with her upon known principles. France could not then have made the efforts she has made. If we had set out with declaring that we wished to have no concern with her internal affairs, I ask, would it have been possible for France, in consequence of enthusiasm or of terror, or of both combined, to have raised and supported those immense armies whose exertions have astonished Europe? Would terror have compelled such exertions and such sacrifices, when the people of France knew that they were only fighting for the Scheldt, or for a fortress on their frontier, or an island in the West Indies? Is it probable, if such had been the object of the war, that we should have had raised up against us what has been emphatically called, and emphatically felt, an armed nation? Would the Convention have been able to persuade them that they were fighting for their liberties, their lives, and for everything that is dear to the heart of man; that they had no choice but victory or death; if they had been clearly and distinctly told by us, that the whole contest was about the navigation of the Scheldt and the security of Holland? But when the whole people of France, in consequence of the declarations of Great Britain, were convinced that their very existence as an independent nation was attacked, then they began to rouse themselves—then they began to unite in defence of what they conceived to be their just rights and liberties; and under the influence of this conviction it was that those effects were produced which have astonished the world, and are unparalleled in the history of nations. If, on the other hand, the aid of the French emigrants and insurgents in France had been thought an advantage superior to all this, we should have taken the other part of the alternative, and said, 'Our object in going to war is to establish a regular form of government in France.' The inconvenience here would have been, that from the very moment of making this declaration, we should have had united against us every republican in France in that vigorous way in which we now see them united. We should have persuaded them, as we have done, that they had no other chance of liberty than by uniting as an armed nation with activity and vigour. If we had said at the outset, 'We wish not to dismember France—we wish not to partition her territory—we wish not to weaken or diminish her power, or to aggrandize Great Britain at her expense; our sole object is, to restore to her the blessings of a regular government, and to good citizens the enjoyment of their rights and property;' in that case, we should have had this advantage—every emigrant from France in every part of the world would have felt in common with the British cause. Every French loyalist would have gone hand and heart with the British nation; even such republicans as disliked the system of terror more than they disliked monarchy, would have exerted themselves in our favour. We should then have had a fair opportunity of trying what were the sentiments of the people of France with respect to the Revolution, and whether a majority of the nation wished for a monarchy or a republic. We should have reared a standard to which Frenchmen who loved their country might have repaired. Now, by indulging the childish hope of grasping the advantages of each side of the alternative, we have gained neither. How could it be otherwise? When we took Valenciennes, instead of taking it for Louis the Seventeenth, we took possession of it in the name of the Emperor Francis. When Condé surrendered, we did the same thing. When Mentz surrendered, the garrison was dismissed to be employed against the royalists of La Vendée. Was it possible for any man to be so ignorant, as to doubt what our intentions were? How, then, was it possible for us to suppose that our conduct would produce on the inhabitants of France an effect different from what it has done? When Sir Charles Grey and Sir John Jervis took Martinique, Guadaloupe, and the rest of the French West India Islands, did they take possession of them for Louis the Seventeenth? No! but for the King of Great Britain, not to be restored to France when monarchy and regular government should be restored, but to be retained as conquests, if the chance of war should leave them in our hands.

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* The last day on which Mr. Burke appeared in the House of Commons was the 20th of June, 1794, when the thanks of the House were voted to the managers of the impeachment against Mr. Hastings. Mr. Burke immediately afterwards retired from Parliament by accepting the Stewardship of the Chiltern Hundreds.

"While such was our conduct in all parts of the world, could it be hoped that any French emigrant, whose situation was not desperate indeed, would join us; or that all who were lovers of their country more than lovers of royalty, would not be our enemies? To attend to justice is, in all cases, peculiarly important; and the love of country is a motive so powerful, as to be often used as a pretext, even by those who do not feel it. The royalists of La Vendée, of Brittany, and other places, took the field and held out long and bravely; but what could they say to the people of France—what could they put in their manifestoes, of equal weight with the addresses from the Convention? They might say, 'If we conquer, the French monarchy will be restored; but it will be restored with the territory of France curtailed and diminished, one-third of it, perhaps, divided among rival powers.' The Convention could say, 'If we conquer, France will remain entire, a great and independent nation, triumphant over all the powers who have confederated against her liberties.' With such discouragements on the one hand, and such flattering prospects on the other, was it to be expected that any considerable number of Frenchmen would connect their own cause with that of the allies? We have so shuffled and trimmed in our professions, and been guilty of such duplicity, that no description of Frenchmen will flock to our standard.

"It was a fatal error that we did not, in the commencement of the war, state clearly how far we meant to enter into the cause of the French emigrants; and how far to connect ourselves with powers who, from their previous conduct, might well be suspected of other views than that of restoring monarchy in France. It will be said, that we could not be certain in the first instance how far it might be proper to interfere in the internal affairs of France; that we must watch events, and act accordingly. By this want of clearness with respect to our ultimate intentions, we have lost more than any contingency could ever promise. All obscurity ought to have been removed, and we ought to have distinctly adopted one or other side of the alternative. Every place was not taken for the allies. It was understood by those who surrendered Toulon to Lord Hood, that he accepted it on this condition—that he was to adhere to the constitution of 1789. Whether Ministers intended to observe that condition I know not; but in their subsequent publications they gave reason to hope that they did. In their declarations they offered peace and protection to all well-disposed Frenchmen, who should join in restoring monarchy, without specifying what kind of monarchy.* Have they fulfilled that promise? What kind of protection have they afforded to those who endeavoured to restore monarchy? Have not the royalists, for want of assistance or encouragement, been obliged, however reluctantly, to submit to the laws of the republic? If the allies had been fighting either for France, or against France, what should have been their conduct towards La Fayette and Dumourier? The seizure of La Fayette by the Austrians was contrary to the law of nations; and their treatment of him must condemn their name to eternal infamy. They found him and the companions of his misfortune, not at the head of an army, nor in arms, and took them against all the laws of nations and of war—not to be treated as prisoners of war, but as prisoners to be consigned to a dungeon. If the allies were fighting against France, surely they ought not to have treated as criminals generals coming over to them from the enemy. Dumourier came over when he thought he had great power with his army. That power turned out to be much less than he had imagined; but it was impossible that a man who had served his country with so much reputation, with so much ability and success, should not have had a considerable party in it. How was he treated? When they found that he could not bring along with him so great a portion of his army as they expected, after having extolled his virtue,† at the moment when he had rendered his virtue at least doubtful, they drove him from them a wandering fugitive, as if they had passed a decree expressly forbidding any French general to abandon the standard of the republic in future. By acting in this manner, as is well expressed in a French pamphlet I have recently read, 'we are more unaccountable in our political conduct than any of the most bigoted religious sects, for we even exclude converts;' which I believe was never done by any sectarists. Our conduct, therefore, in this respect, is perfectly new; for after Dumourier becomes a convert to, and espouses the cause of the allies, they refuse to receive him. But if we and our allies were fighting for France against the Convention, we ought to have praised this general as a convert, we ought to have received him with cordiality, and held him up as an example for the conversion of others. If we were fighting against France, we should have considered all Frenchmen as enemies, in the common acceptation of the term, and not by denouncing vengeance for crimes committed in France, as was done by Lord Auckland, in a paper published at the Hague,‡ have given ground for that enthusiasm of resistance, which inflames the minds of men who conceive their lives to be attacked—an enthusiasm which has united for common defence those who, in every moment of respite, were tearing one another to pieces, and sending their opponents to the scaffold, whenever they could supplant them in power. If the allies were fighting for France, the restoration of monarchy and regular

* See Debrett's State Papers, vol. i. pp. 116, 117, 120, 135, &c.

† Ibid. p. 110.

‡ Ibid. pp. 272, 273.

government, I mean not to say that they should have granted impunity to those who were more immediately the cause of the murder of the King; but they ought not to have begun with thundering forth a manifesto,* threatening Paris with military execution, and even total destruction; denouncing vengeance which necessarily alarmed all men, as no man was named; a manifesto which we cannot even now endure to read, but by contrasting the pride and cruelty of the menace with the impotence of the attempt to put it in execution. If we were fighting for France, we ought to have assured the people of France that we had no views of aggrandisement, much less of dismembering the kingdom, or taking vengeance on the inhabitants. We ought to have convinced them that we entered France, not to conquer, but to restore; and the very first step should have been to publish a general amnesty, with some exceptions. A whole nation may be misled, but cannot be all guilty. As has been said by the great man already mentioned,† 'I know not how to draw an indictment against a whole nation.' Some exceptions to the general amnesty might have been necessary; but these should have been mentioned by name, that others might have had nothing to fear. By this mode of proceeding, many persons deserving of punishment might have escaped; but this would not have been so bad as terrifying all the people of France by indiscriminate threats. This I conceive to be a fundamental error. I would therefore have the House go into an inquiry, that we may declare this error to be fundamental, if so it shall appear to be; that we may take some intelligible ground for our future conduct; define clearly and distinctly the object of the war, and put the remaining quarrel with France upon such a footing, as to show whether we are really fighting for France as a nation, or against her. Is there a man who believes that, to define our object, and to demand it of the French Government, even at the price of recognising that Government, (as far as to negotiate is a recognition,) would render it more difficult to be obtained by force of arms, if the French should refuse to grant it? Does the right honourable gentleman himself believe that, if the Convention were to refuse reasonable terms of peace, they would be able to call forth such extraordinary exertions on the part of the people for continuing the war, as the general persuasion of the people that they have no alternative but conquest or subjugation has hitherto enabled them to call forth?

"Having mentioned these great and fundamental errors, it is hardly necessary to enter into those that are more minute. It is almost sufficient to name them. If we took possession of Toulon, not with a view to conquest, but with the intention of supporting the cause of monarchy in France, it was the most important advantage we could have obtained, and to the preservation and improvement of which all our attention ought to have been directed. Yet we left Toulon with a very small English force, trusting its defence to the aid of allies, who were either unable or unwilling to defend it. This was said to be done for the sake of an expedition against the

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* *Vide ante*, p. 472.

† Mr. Burke.

French West India islands, an expedition of much less importance than the defence of Toulon; and that expedition was again crippled by collecting troops under the Earl of Moira for a descent upon the coast of France—a descent for which an opportunity has never yet been found; and therefore Government has never been able in any way to avail itself of the force so collected. In consequence of this, Toulon was lost: and a number of troops were sent to the West Indies, sufficient indeed, through the zeal and ability of the commanders, to take the islands, but not sufficient to keep them. Guadaloupe, we know, is gone; there is little hope of our being now in possession of any part of St. Domingo; and we are far from being without well-grounded apprehensions for the safety of Martinico and the other conquered islands.

"With respect to the last campaign, our great and leading error was, confidence in the King of Prussia, in the Belgians, and in the Dutch. We told the people of the Austrian Netherlands that we were fighting for their religion, and the people of the United Provinces that we were fighting for their liberties; but they did not believe us. We drew the Dutch into a war which they had no inclination to undertake. So early as the beginning of the year 1793, I stated it as my opinion that the Dutch would not demand our assistance. I was answered that they durst not demand it, but that this was no reason for our withholding it, and that, if it was offered, they would not refuse it. I replied, that I believed the case to be exactly the reverse, and that if we offered our assistance, although the Dutch did not desire it, yet they durst not refuse it. I also find, at an early period of the war, the people of Friezeland putting up their prayers to Almighty God, to deliver them from this war, into which they had been plunged by their allies. All that has happened since has confirmed my opinion. While we were fighting in the Austrian Netherlands, the Dutch gave us but feeble and reluctant aid. When we were driven out of the Austrian Netherlands, and the United Provinces were to be defended, the Dutch, instead of rising in a mass to defend them, joined in welcoming the French. We ought to have known beforehand that the people of the United Provinces wished not to be defended by us, and therefore were not to be confided in as allies. We ought to have adopted one of two courses; we should either have withdrawn our mischievous and oppressive protection, and said to the Dutch, 'Defend yourselves;' or we should have taken possession of the country with an army, and defended it like a conquered province.

"When I look to the naval part of the campaign, I find that the captures made by the enemy are greater than they were ever known to be in any former war; but I do not find that our trade has increased in the same proportion. By documents, which I conceive to be tolerably correct, it appears, that in the second year after France joined in the American war, the number of ships captured by France, Spain, and America, was four hundred and ninety-nine. How many of these were taken by Spain I do not know; but it is probable that nearly one-half of them were taken by the Americans. In the second year of this war, when we have France alone to contend with, the number of ships belonging to Great Britain which have been captured by France amounts to eight hundred and sixty. Until I hear this extraordinary difference, under circumstances so much less unfavourable than those of the period to which I have alluded, accounted for, I must conclude that there has been a great defect in the naval administration of this country; either that we have not had a sufficient naval force, or that Ministers have not well applied it. His Majesty's speech from the throne, in January 1794, laid the ground of most forcible arguments for inquiry. That speech, in recapitulating the advantages obtained by the arms of the allied powers, as the pledge and earnest of still greater advantages, almost expressly assured us of the empire of the sea. Oh, the little foresight of presumptuous man! Oh, the fallacy of human hope! Every pledge of success, every topic of consolation, held out to us in that speech, is now converted into a circumstance of defeat, into an argument for despair! 'The United Provinces,' we were told, 'have been protected from invasion; the Austrian Netherlands have been recovered and maintained; places of considerable importance have been acquired on the frontiers of France; an important and decisive blow has been given to their naval power; at sea our superiority has been undisputed, and our commerce so effectually protected, that the losses sustained have been inconsiderable in proportion to its extent, and to the captures made on the contracted trade of the enemy.' Yet in the course of a year, ushered in with so much promise, our superiority at sea has been disputed; after a second more important and decisive blow given to the enemy's naval power, they have been masters of the sea for two months, and eight hundred and sixty of our ships have been taken! Every hope and expectation held out by that speech is now completely gone. We have lost the fortresses on the French frontier. We have lost the Austrian Netherlands. We have lost Holland; and the trade of England has been greatly injured. It is not the change of one man; it is not the change of the First Lord of the Admiralty that will afford satisfaction for the injury sustained by our commerce. I observe likewise, that since the commencement of the war, the re-captures do not bear a greater proportion to the ships taken than they did in the American war, when Great Britain had so many different nations against her. Are these, or are they not, good grounds for inquiry? For what purpose do gentlemen think they were sent to this House? Do they believe they were sent here for the sole purpose of voting taxes, as was too often the case with the parliaments of the ancient kings of this country? Or as a national council to see that the executive government is not only incorrupt, but judicious? It might have been supposed, that after the memorable first of June, we should be masters of the sea; but we have no reason to boast of the manner in which we have improved that victory. Our fleet came into port in November, and the French fleet put to sea; no doubt because ours was returned. So little foresight or exertion was displayed in preparing our fleet for sea again, that it could not go out till late in January; and thus for two months the French were masters of the sea, and our fleets of merchantmen, and even troops embarked for important foreign services, were blocked up in our ports. I shall, perhaps, be told that our fleet cannot be always out. I say, that under proper management a great part of it might always be out. But will any man contend that it might not have been ready in less than two months, during great part of which time it was known that the French fleet was out? There was even a rumour that after the ships were ready for sea, they were detained for want of biscuit and other provisions, which it became necessary to send by land carriage. How true these reports may be I know not; but they have been generally circulated and believed, which is a sufficient reason why the House should inquire. Every one of the circumstances I have mentioned calls aloud for inquiry, unless the members of this House are prepared to say that the present situation of the country is so happy and so prosperous as to be *primâ facie* evidence of the diligence and ability of his Majesty's Ministers; that they have steered us so steadily, and piloted us so wisely, that we ought to repose implicit confidence in them without inquiry. Can Ministers themselves state any ground why this House ought to repose in them any confidence whatever, much less such extraordinary confidence as this? Will they say that their administration of the war has been successful, or that the state of the country is prosperous? I am not, I hope, a man to give to success more credit than is due to it. I hope I can reverence unsuccessful wisdom; my own experience has not been such as to lead me to think that success should be considered as the criterion of wisdom. Let the Minister say that the hand of God is upon us, when human prudence can avail us nothing; but let him not say that Great Britain is declining in every quarter; that all her exertions and the most lavish profusion of treasure and of blood avail her nothing; and yet deny the propriety of an inquiry by the House of Commons to discover, if possible, the source of so melancholy a reverse of fortune. In such a case it is the duty of every member of this House, of the friends of Ministers themselves, to give up their private confidence and promote inquiry. Then, if they find that Ministers have been pursuing an impracticable object, or endeavouring to obtain it by inadequate means, they will know how to apply the remedy. If they find that Ministers have been conducting the affairs of the State with ability and wisdom, they will be able to say with satisfaction to themselves and their constituents, 'We will continue our confidence in these ministers.'

"Sir, exhausted as I feel myself, and long as I have already trespassed on the patience of the House, I must pass over in silence many points which are nearly connected with the general statement, and which would call powerfully on this House to enter into an inquiry on the state of the nation. But although I conceive I have already stated sufficient grounds for going into such an inquiry on all the questions more immediately connected with the war, there is yet one subject so closely connected with the prosecution of it in one point of view, that before I sit down I must beg leave to make a few observations upon it—I mean the present situation of the sister kingdom. The House will do me the honour to recollect that, much against the inclination of my most intimate friends, I formerly harassed this House with a variety of questions which they were unwilling to debate; I persevered obstinately, however, not because I had any satisfaction in doing so when the House was not disposed to listen to me, but because I thought that, at the outset of the war, it was my bounden duty to lay before this House those circumstances which, as appeared to me, ought to have discouraged us from entering upon it. I felt no pleasure in addressing these arguments to unwilling ears, for I am not desirous of imitating the example of Cardanus, an author now but little read, who says, 'Nunquam libentius loquor quam cum quod loquor auditoribus displicet.' I persevered because I thought it my duty to persevere; and, among other things, I stated, as discouragements for going on with the war, that the Austrian Netherlands could not be retained while the subjects of his Imperial Majesty were disaffected to his government; that Holland could not be defended while the Dutch did not wish to defend it; and that the King of Prussia had proved by his conduct in the first campaign that Great Britain and her allies ought not to depend upon him. I was then told that my speech was a libel upon all our actual and all our possible allies. But, Sir, if it was a libel, experience has proved that it had in it that which has been held the strongest ingredient of libel, truth; and as such, I hope that speech will go down to posterity a convicted libel. I then also touched upon some dangers which I apprehended with respect to Ireland. I was told,* 'touch not upon Ireland, that is a subject too delicate for discussion in this House. This House,' it was said, 'has nothing to do with Ireland; Ireland has a parliament of her own, and will take care of herself.' To that I then answered, as I do now, that when a British House of Commons is advising the King upon a matter of so much importance as peace or war, they ought to extend their consideration to all the material parts of the empire; and surely it is unnecessary to state that Ireland is a most important part of his Majesty's dominions, as furnishing great resources of men for the army and the navy in time of war. Without the assistance of Ireland we can never be secure in peace, nor successful in war. The identity of her constitution, and her being under the same executive government, make Ireland a constant object of attention, from which we may derive information with regard to the disposition of the King's ministers, to which we may look for examples to be imitated, or errors to be avoided. I saw formerly certain prejudices in that country which would throw much difficulty in the way of the Roman Catholics getting all they asked, and all that justice required they should have, as subjects of the same constitution, viz. equality of rights with every other subject. There had sprung up in that country a strange jargon of what is called a Protestant ascendency, as if such a thing as a religious ascendency ought to take place in politics. Ministers, some time ago, got over the difficulty in part, and, although not in a way calculated to gain much respect, conciliated the affections of the Roman Catholics for the time. This, however, was not the only subject of complaint. There were other abuses in Ireland of which the people bitterly complained; and when the coalition took place in July last,* however much I might lament that event, I certainly did think it might produce this good effect, that the corrupt administration of Ireland would be radically reformed, and that possibly as much might be gained to liberty there as seemed to be lost to it here. And this was in fact near being the case, when unhappily things took a different turn.

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* By Mr. Dundas, Secretary of State for the Home Department. *Vide ante*, p. 487.

"Without entering into the question, who is to blame? I ask whether Ireland is not at present in a state of irritation? whether she is not in a state of danger? And if she is in such a situation as to give just cause of alarm to every friend of the country, whether this state has not been occasioned solely by his Majesty's Ministers? Some may say it is owing to the Ministers here; others, to the Ministers there; but I defy any man to say that the present state of that country is not entirely owing to the improper conduct of the King's Ministers. No matter whether to the right honourable gentleman, the Duke of Portland, or Earl Fitzwilliam; although I have no doubt as to which of them it is not owing. Earl Fitzwilliam is sent over as Lord-Lieutenant to Ireland, justly popular from his personal character, and more so from his connexion with a part of the Ministry here, supposed to be favourable to the wishes and claims of Ireland. He arrives: he consults with men to whom the people of Ireland have been long accustomed to look up with confidence; he is adored; he is idolized to such a degree that the people of Ireland join with him in the absurd cry of war; nothing but Earl Fitzwilliam's popularity could have induced them to join in that cry—he states from the throne the general wishes of his Majesty for carrying on the war; that it is intended to give emancipation to the Roman Catholics. [Mr. Pitt intimated across the table that it was not so]. It was so understood, or, if you please, it was so misunderstood in the Irish Parliament. They are told that abuses are to be reformed; they see the most respected men in the country daily rising up in the House of Commons to propose the reform of abuses; they see those measures attended with fewer dismissals from office undoubtedly than the people could have wished, but with the dismissal of several persons known to be connected with the old abuses. They consider all this as the omen of approaching liberty; and that the people of Ireland, without distinction, are about to enjoy those rights and privileges which they ought always to have enjoyed. All this passes in the face of the world, without the least opposition on the part of the cabinet of Great Britain. What follows? Great supplies are called for by his Majesty; and the Irish, in high expectation of the promised reform of abuses, with a degree of imprudence, not adhering to the sober and cautious principle that reform and supply should go hand in hand, (for it is the character of that nation to be more generous than prudent), granted the supplies before the promise was fulfilled. Having given all, the cup is dashed from their lips, their eager and excited hopes are blasted, and they are told, 'We have got your money; you may now seek for your reform where you can.' The Ministers here then quarrel with this popular Lord-Lieutenant, whose personal character did more for the coalition than the characters of all the other Ministers united, for it made the administration popular, because, from his accession it was supposed to be pure. They give up, however, this popular friend, rather than Ireland should receive from this country the benefits to which she is in common justice entitled, and in the hopes of which she had voted for the service of his Majesty such large and liberal supplies.

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* In July, 1794, several noblemen and gentlemen, who had formerly opposed Mr. Pitt, but had recently given him their support, joined his administration. The Duke of Portland received the honour of a blue ribbon, and the appointment of Secretary of State for the Home Department. Earl Fitzwilliam was, at first, named Lord President of the Council, and in the following December sent to Ireland, in the capacity of Lord-Lieutenant; Earl Spencer obtained the Privy Seal, and was afterwards appointed First Lord of the Admiralty; and Mr. Windham received the appointment of Secretary at War.

"Sir, I may be told that this Lord-Lieutenant gave hopes and promises which he was not authorized to give. To that I answer, that from my knowledge of him I do not believe it. But suppose it were so, what is that to this House? Is it not a matter of total indifference to us where the blame lies? Is not Ireland in danger? No man will deny it; and that is sufficient for my purpose. The blame attaches either on the Ministers in Ireland, or on the Ministers here; and if this House does not institute an inquiry, and explain clearly and satisfactorily to the public who has been the cause of this alarming danger, we may be responsible for the dismemberment of the British empire. It may be supposed that this is one of those questions on which I have strong personal partialities. I admit it. I believe I shall never be able to divest myself of them; and I am perfectly convinced that Earl Fitzwilliam's conduct in this particular instance has been agreeable to the uniform tenour of his whole life. I firmly believe that he has acted fairly and honourably, and agreeably to what was understood between him and his colleagues in the British Cabinet: this conviction is matter of great private satisfaction to me; but it is no reason why the House should not go into the inquiry.

"The Roman Catholics amount to three-fourths of the population of Ireland.* But they are no longer a party. The parties now to be dreaded in Ireland are, on the one hand, a few people holding places of great emolument, and supporting corruption and abuses; and on the other, the Irish nation. The Protestants are as much interested in this great business of reform as the Roman Catholics. I no longer apprehend any danger to Ireland from disputes between the Roman Catholics and the Protestants; what I apprehend is the alienation of the whole Irish people from the English Government. Many gentlemen who have not taken pains to examine into the subject, imagine that the Government of Ireland, because consisting of King, Lords, and Commons, nearly resembles that of Great Britain. This, however, is by no means the case. I dare say also, that some gentlemen know so little of what has passed in Ireland since the year 1793, as to imagine that the Roman Catholics are now nearly on the same footing with the Protestants; and that, since the above period, they have suffered no persecutions or exclusions. If there is any man who thus thinks he grossly deceives himself. But passing over these circumstances, is it not self-evident that the danger arising from the present state of Ireland has been created by some of the King's Ministers? Let the House go into an inquiry, and they will see on whom punishment ought to fall. If the Ministers in Ireland are guilty, let them be punished; or, if his Majesty's Ministers here (which is much more probable) have been the cause of this irritation, let punishment fall upon them. If Earl Fitzwilliam, rashly and wantonly running after popularity, has sacrificed the real interests of that country, he deserves the severest censure. But if it shall appear that he has been trifled with, and shuffled out of his measures and situation by Ministers here, in order to serve their own base purposes; if it shall appear that he has acted on the principles of prudence and patriotism, and that his government was founded on principles which tended to preserve the connexion between the two countries, what punishment can be too severe for those who have been the authors of such double-dealing?

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* In 1834, according to the returns of the Commissioners of Public Instruction, there were in Ireland, 852,064 members of the Established Church; 6,427,712 Roman Catholics; 642,356 Presbyterians; and 21,808 other Protestant Dissenters; making, in the whole, 7,943,940 persons.—See Report, Parliamentary Papers for 1835.

"I am aware that it is a common argument against such motions as this to say, 'Your final object is the removal of Ministers; why, then, do you not do so at once?' My answer is, because I think we ought first to have an inquiry. At the same time I candidly admit my opinion to be, that if an inquiry be gone into the result must be the approval of his Majesty's present Ministers. On what rational ground should this induce any member to oppose inquiry? Does any man who approves of continuing the war, hope for better success than we have hitherto experienced, while it is conducted with the same weakness and folly? Does any man who wishes for an end to the war hope that his Majesty's present Ministers can obtain for this country a safe and honourable peace? If, after an inquiry into their past conduct, it shall turn out that they have acted justly and wisely, then let us continue our confidence in them; but if the contrary should appear, as I strongly suspect it will, then it will become the duty of this House to call them to an account, perhaps to punishment. This inquiry, among other advantages attending it, will discover to the nation the true cause of all our late failures and calamities. Wise men choose a wise object, and persist in their efforts to obtain it, by varying the means as occasion requires, the object being still the same. The conduct of the present Administration has been quite the reverse with regard to the war. Day after day, and motion after motion, has varied the object, but they uniformly insist on the same means. Blood, war, and treasure are their means, however they may vary their object. They have constantly avoided making a choice between the two branches of the alternative I have stated. They have never decided whether they were making war for France or against France.

" The present state of Ireland shows, that there is no part of the British empire in which the strongest traces of the Minister's misconduct are not to be found. There are some occasions, one would imagine, upon which Ministers must wish to be clearly understood. But men never get the better of their nature; and whenever the right honourable gentleman expresses himself, he is differently understood by every man who hears him. It is not from any want of words, or choice of expression, that the right honourable gentleman does not speak intelligibly. He is misunderstood by the House; he is misunderstood by his own particular friends. He employs the gift of words not like other men, for the sake of being more distinct, but for the purpose of being misunderstood: even his new associates in the Cabinet cannot understand him. Of him it may be said, as of a great man of ancient times, 'In rebus politicis, nihil simplex, nihil apertum, nihil honestum.' If the House should agree to go into the inquiry, they will prove that they are really affected by the interests of their constituents. If they should resolve to go on without knowing who are our allies, or whether we have any, there will be too much reason for saying that our constitution is gone. In either case I shall derive from having made the motion, the satisfaction of showing that there are men in the House who believe the situation of the country to be such as it really is, and are anxious to do everything in their power to avert the consequences so much to be apprehended." Mr. Fox concluded with moving, " That this House will resolve itself into a committee of the whole House, to consider of the state of the nation."

Mr. Fox was ably supported by Mr. Sheridan. Mr. Pitt deprecated the discussion of the internal affairs of Ireland at the present moment, in a British House of Parliament; and having made a few observations on former decisions respecting the war, concluded by moving, " That the House do now adjourn." The adjournment was supported by Mr. Canning, and also by Mr. Wilberforce.

Mr. Fox made a reply to the following effect: " I feel it necessary to say a few words in answer to what I have heard this night, and chiefly from the right honourable gentleman who moved the adjournment. Gentlemen have partly misunderstood my meaning, if they conceive that I have wished for a committee to inquire into the state of the nation on any one particular point; or that I wish particularly to agitate topics of war or peace, which have been already discussed in this House, in which I have not had the good fortune to agree with the majority. I meant, by moving for the committee, to inquire into the conduct of the war in general, in order that we might see how his Majesty's Ministers have acted. Gentlemen on the other side say, they do not wish to turn out Ministers. They say, too, that they do not wish to inquire into the conduct of the war. That is natural enough; the meaning of it is obvious. They do not wish for an inquiry; that is, they know that an inquiry is likely to influence the opinion of this House upon the conduct of Ministers, and that, after being compelled to censure them, we shall, in justice to our own consistency, be obliged to vote for an address to the Throne for their removal. I said that this country was in a situation that, on the face of things, called for an inquiry, and therefore I moved for it; and I believe that the result would be, that this House could not, consistently with its own honour, refuse a vote of censure on Ministers, and an address for their removal; and therefore it is not mysterious that some gentlemen should be unwilling to go into an inquiry. But are we indeed to go hand in hand with Ministers, and not to inquire into their conduct, lest the result should be, that they must be removed? Are we indeed so very complaisant to Administration, that rather than they should lose their power, the country is to be lost?

" The right honourable gentleman has thrown out something like a hint, that if he and his associates were dismissed to-morrow, and others more able were appointed in their stead, neither his Majesty nor the public would look to those who support the present motion for their assistance. Now, Sir, upon that subject, I have no objection to say what I feel, and what, indeed, I partly expressed on a former occasion. If this war is to be carried on with more vigour than it has been on the part of this country, and by men of greater capacity than the present Ministers, but on the same principles as have been hitherto avowed, and for the same object—and I know that there are many men who are friends enough to this war, to carry it on upon such terms—all I can say is, that there is not any thing that his Majesty can offer me—no, Sir, nor any thing that any potentate in Europe can offer to me, that should induce me to take any share in it. But is that, or can it be a reason why this House should not inquire into the conduct of Ministers, who have brought upon the country such calamities—calamities that have never been equalled in any period of its history? Even those who were originally, and who may be still, against any terms of negotiation for peace, should vote for an inquiry into the conduct of the war, and follow it up, if necessary, with an address to his Majesty, to appoint some persons more likely to conduct it with success. The right honourable gentleman has said, that he is not answerable for what may be done by a minister abroad upon some particular occasion—an expression that is unworthy of any man who calls himself a minister. The declaration of a minister abroad may create a war between two nations. Is it to be endured in this House, that the right honourable gentleman should say, 'such a declaration was not mine, but was the declaration of Mr. Drake, or of any other ambassador?'

"The right honourable gentleman has told the House to-night, that Ministers have acted with regard to neutral powers according to the spirit of the law of nations, and that it will appear evident when the subject comes to be inquired into; and yet, with the same breath, he tells the House he will not consent to inquire into it at all. Then he tells us, that this is a business which ought to have been inquired into before, and much stress is laid on the time in which I have made my motion. Why, Sir, we have not been negligent on this side of the House in bringing forward questions upon the war. A motion was made early in the session, for a negotiation for peace, which was negatived. Then came public business, the budget, and other subjects. But it is said, I have brought on my motion on account of the critical situation of Ireland. Now, Sir, with regard to that, I had formed a resolution of bringing this motion forward before the affairs of the country wore so serious an aspect as they do now, and before I had heard one word of what has lately happened there. I do not recollect the particular day, but I am sure the fact is so; and I believe I gave notice in this House of my intention to move for a committee on the state of the nation, before the late accounts from Ireland arrived.

"I cannot help alluding to what one honourable gentleman (Mr. Wilberforce) has said to-night with regard to Ireland; he has said that he should vote for this inquiry, had I not expressed my intention of moving a resolution in the committee upon that subject. If so, Sir, let him vote for the inquiry into the state of the nation generally; and let him vote against the resolution with regard to Ireland when that comes to be proposed. With respect to Ireland, I conceive that what has happened has arisen out of the fault of Ministers in this country. A great mischief to this country has been produced by the misconduct of Ministers, and I say there should be an inquiry into that business, for the particular purpose of knowing who is really to blame, that we may proceed to censure, and, if necessary, to punish. With respect to the conduct of the Lord-Lieutenant, I can only say that I have a strong opinion, that when this business is fully investigated, the result will be to the honour of that nobleman, and to the shame and confusion of the Ministers in this country. That is my opinion; but this house has no business with the opinions of individuals. It is their duty to inquire into the fact. But it seems there is a great delicacy upon this subject. Now, Sir, I am of opinion that there should be none, for what any Minister does in his official situation is fair matter of inquiry in this House, whether it regards this country or Ireland. I have heard it said, that we should not interfere with the Parliament of Ireland, and that my motion has that tendency. I mean no such thing. I only mean to inquire into the conduct of Ministers. These subjects are debated in the Cabinet, and perhaps sometimes particulars respecting Acts of Parliament in Ireland are debated in the Cabinet; now I want to know, although I would not have this House interfere in the least degree, nor have we the power of interfering with the Parliament of Ireland; but I want to know upon what principle it is that the Cabinet should do more upon that topic than this House, or than the Parliament of this country. I see no such principle; but I know, that with regard to any recommendation from the Throne to the Parliament of this or of that country, that is a matter for which Ministers are liable to be called to account; for it is Ministers who advise that recommendation. If it were not so, let me ask, what might the consequence be? Ministers may so conduct themselves that the situation of the two countries may be in imminent danger, and can that happen, and yet that we shall be told that we cannot interfere? Sir, I do assert that we have the power, and that we ought to exercise it, of calling for an inquiry; yes, Sir, and of proceeding to punish those who have been the cause of it. That such has been the conduct of Ministers is undeniable. I have been told that I am putting Ireland in danger by what I have said to-night. But, Sir, who has put Ireland in danger most; I who have moved for an inquiry into the state of it; or those who, by their mischievous conduct, have made that inquiry necessary—I who respect both countries as much as any man in this House; or those who conduct themselves as if they regarded the interest of neither, when held in competition with their own power?

"Sir, I say I have a right to call Ministers to account for the danger in which they have involved the two countries. I wish to know whether it is to be laid down as a principle, that the general failure of the army, and the general mischief which the conduct of Ministers has occasioned, are not to be considered as *primâ facie* evidence of the necessity of inquiring into their misconduct. The right honourable gentleman says, that my conduct, if not counteracted, would tend to lower the dignity of this country. That a man, who has himself so lowered the dignity of this country, who has brought it to the verge of ruin by the obstinacy and the madness of his conduct, should presume even to think that any body else could lower it more than he has done, is, I own, rather extraordinary. I desire to know, and I ask the Minister to inform me if he can, when it was that I endeavoured to lower the dignity of this country? He alluded to the present war; what has been his conduct, and what did I advise this House upon that subject? I would have offered reasonable terms to France before the war commenced, and for that purpose I proposed a negotiation; he affected to disdain it. What has been the event? Will even he himself attempt to say that there is a chance of making so good a peace now, as we might have made then? Does he even hope he can ever negotiate with the French in a situation less dishonourable to us than the present? I would have negotiated with them before a fight. He must negotiate after a fight, and after a defeat too, if he negotiates at all. I would have negotiated with them while we were rich in our resources and our commerce was entire. He must negotiate when both are desperately impaired. I would have negotiated before our allies were defeated, and while they were yet supposed to be in union. He must negotiate after victory has been declared in favour of the enemy, and the allies have been deserting us and one another. After this, that such a man could possibly suppose he is supporting the dignity of this country, and that he should put himself on a footing with any gentleman, who has not the misfortune to be in the present Administration, is an extraordinary thing, but it is an assumption of merit which is peculiar to his Majesty's present Ministers.

"In the meantime, it is with heartfelt satisfaction I reflect, that in everything I ever proposed I have supported the dignity of this country. I regard it as a circumstance of good fortune to me, that I never gave an opinion by which one drop of British blood was shed, or any of its treasure squandered. It has been my fortune to oppose, perhaps unsuccessfully, that which brought this country into a disastrous situation; I mean the American war—a war disastrous indeed; but after all the calamity which it produced, we were happy then compared with the situation of this country now. Good God! Sir, that there should be a moment compared with which the American war was a state of happiness! and yet so any person will find it to have been on examining them both. Our present calamities bear no resemblance to those of the American war. Does the Minister deny the fact? He has never yet said it; and I should be glad to hear him aver it now, for I am ready to answer him if he does. The right honourable gentleman has thought fit to insinuate that those with whom I act never mention the glory of the British arms. The fact is notoriously otherwise. There is not one instance in which we have withheld praise from any of our gallant heroes; on the contrary, we have been proud to praise them. The right honourable gentleman was not a member of this House in the time of the American war; but if he will take the trouble of inquiring, he may be easily informed of the part I took in praising the gallantry of the British troops. America, however, was lost. We are now in alarm lest we should lose Ireland; and I own to you, Sir, that I tremble for the fate of Great Britain. Is it, then, a thing to be endured, to hear a man accuse others of endeavouring to lower the dignity of the country, when we are doing all we can to save it, and are calling for an inquiry into the conduct of that very man who has brought us to the last stake, in which we are contending for our very existence? And shall it be still a question who is the best friend to the honour and interests of Great Britain? This inquiry may not take place; but I am glad the honourable gentleman (Mr. Wilberforce) has intimated his intention of again bringing the subject forward in some other shape. He can do it with great propriety. But I wish to be informed, if this committee be not granted, what I am to say to my constituents if they ask, Who are the allies of this country? What is our relative situation with the King of Prussia? What with the Emperor? What has been the conduct of Administration with regard to the war? What is the situation of Ireland? To all these questions I can only answer, 'I cannot tell you anything of these matters. The House of Commons would not grant me an inquiry; they went hand in hand with the Minister.' I wish the House of Commons to have credit with the people. I know there are enemies to this House; and if you refuse this committee, you will furnish more arguments against the House of Commons than any that ever were written upon the subject."

The question being put, "That the House do now adjourn," the House divided: Yeas, 219; Noes, 63. So it was resolved in the affirmative.

Treason and Sedition Bills.

On the 29th of October, 1795, the King opened the session of Parliament in person. The crowd which was assembled on the route from St. James's Palace to the Houses of Parliament was observed to be greater than any that had previously been collected. Several noblemen and gentlemen, who were the objects of popular dislike, were treated, as they passed in their carriages, with hisses, hootings, and groanings; and on his Majesty's progress to and return from the House of Lords, several stones were thrown at his carriage, the windows broken, and his Majesty himself only narrowly escaped injury to his person.

Before the address on the speech from the throne was taken into consideration in the House of Lords, Lord Grenville called the attention of their lordships to the insults that had been offered to his Majesty in his passage to and from the Houses of Parliament. Witnesses being called to prove the facts above stated, an address to the King was voted, expressing concern that persons should be found so insensible of the happiness derived from his just and mild government, and of the virtues which so eminently distinguished his character, as to be capable of such flagitious acts, and their earnest wishes, in which they were confident of being joined by all descriptions of his subjects, that effectual means would be taken, without delay, to discover the authors and abettors of crimes so atrocious. This address was communicated to the Commons at a conference, and their concurrence to it being obtained, the joint address of the two Houses was presented to his Majesty on the 1st of October, by a committee of Peers and Commoners.

On the same day, a proclamation was issued, enjoining all magistrates and others to use their utmost endeavours to discover and apprehend the authors, actors, and abettors, concerned in the outrages which had been offered to his Majesty's person, and offering a reward of one thousand pounds to any one who would give information, so as that the perpetrators of those outrages might be apprehended and convicted.

A few days before the opening of the session, meetings, composed of large multitudes of the people, had been held in Saint George's Fields and in the parish of Marylebone, in the immediate neighbourhood of a tavern called Copenhagen House, at which violent and inflammatory language respecting those in authority had been used, and addresses of an offensive character voted to the Crown. The violence which had been used towards his Majesty in his progress to and from the Houses of Parliament was attributed by Ministers to the proceedings which had taken place at these meetings. Accordingly, on the 4th of November, a second proclamation appeared, in which it was said that immediately before the opening of Parliament a great number of persons had been collected in fields in the neighbourhood of the metropolis by advertisements and handbills; that speeches were delivered to the persons assembled tending to create groundless jealousy and discontent, and endanger the public peace; that seditious and treasonable papers had been lately distributed, tending to excite evil-disposed persons to acts endangering the person of his Majesty; that such proceedings had been followed on the day on which that session of Parliament commenced by daring outrages, to the imminent danger of his Majesty's person; and that an anxiety generally existed, occasioned by rumours and apprehensions, that seditious and unlawful assemblies were intended to be held, and such other criminal practices repeated; it therefore enjoined all magistrates and others to suppress seditious and unlawful assemblies; to exert themselves in apprehending persons delivering inflammatory discourses in such assemblies if they should nevertheless be held; and in bringing to justice persons who should distribute seditious and treasonable papers.

On the 6th of November, Lord Grenville introduced a bill into the House of Lords, for better securing the King's person and government. The motive he alleged was, the necessity of preventing abuses similar to those that had taken place on the opening of the session. He explicitly attributed them to the inflammatory discourses delivered at the meetings which had been so long suffered, without due notice on the part of the Legislature, but which had now reached such a degree of insolence, that they required immediate restriction. He would recur on this occasion, he said, to precedents framed in approved times, the reign of Queen Elizabeth, and the commencement of the reign of Charles the Second. His lordship concluded with offering to the House a bill "for the safety and preservation of his Majesty's person and government against treasonable and seditious practices and attempts."*

On the 10th of November, after the order of the day for taking into consideration his Majesty's late proclamation had been read, Mr. Pitt said he trusted the House would feel the necessity of preventing such insults being again offered to the Sovereign as he had experienced on the opening of the session, and that every loyal subject would co-operate with him on this occasion, in taking such measures as would obviate those causes from whence the outrages proceeded, which were the factious meetings of disaffected people, wherein seditious discourses were constantly held, and principles maintained utterly subversive of good order and obedience to government. The pretence of these meetings was to petition the Legislature for rights withheld from the people; but the real motive was to promulgate opinions inimical to government, and calculated to bring it into contempt.

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* *Vide* 36 Geo. III. c. 7.

If the executive power were not invested with sufficient authority to control these meetings, they would finally endanger the existence of the state. The rights of the people doubtless ought to be respected, but it was equally indispensable to obviate their abuse. The question before the House was, Mr. Pitt said, whether the pressure of the moment did not require an instant remedy? A clear and defined power was wanting in the magistrate to disperse such meetings as threatened disorders. This power indeed ought not to extend to meetings held for lawful purposes, but only to authorize him to watch over the proceedings of any large assembly, whatever might be the object of those who assembled. To this intent, notice should be given to the magistrate previously to the intended meeting; he should be empowered to be present, and if it appeared of a seditious tendency, to seize the guilty on the spot; to obstruct him should be made felony; and if the meeting did not disperse at his command, the penalties provided in the Riot Act should be inflicted on the refractory. There was, Mr. Pitt added, another species of meeting, consisting of persons who attended public lectures on political subjects; the lecturers were men who make the dissemination of sedition the source of their livelihood. To these meetings he thought it would be proper to apply regulations something like those which were made about fourteen years ago, in a statute called, from the learned gentleman who introduced it, Mansfield's Act,* and by which all houses wherein meetings of an improper kind were held on a Sunday, were to be treated as disorderly houses. To avoid evasion, the provisions of the act should apply to every house in which any persons met exceeding a certain number stated in the act, being the real number of the family. Mr. Pitt concluded with moving, "That leave be given to bring in a bill for the more effectually preventing seditious meetings and assemblies." As soon as the Speaker had read the motion,

Mr. Fox said, "he trusted it was unnecessary for him to preface what he had to say by a declaration which he hoped, for every member of that House, was equally unnecessary; that he felt as much horror at the attempt which had been made against his Majesty as any man in the kingdom—quite as much as any man who might move, who might second, or who might support, the bill which it seemed was to be offered to the House. Having agreed so far with the Minister that night, there he must take his leave of him. Nor did he think he expressed feebly his indignation and abhorrence at the insults offered to his Majesty, when he said it was not more than equal to what he felt from what he had heard that night. The right honourable gentleman had adverted to a bill, at that time in the other House, which was stated to have for its object the better security of his Majesty's person, and on which, it was probable, the House would have some communication with their Lordships. He believed it would be difficult for the right honourable gentleman to show the necessity for that bill, if he meant to ground that

* 21 Geo. III. c. 49.

necessity upon the assumption that what happened on the first day of the session was in consequence of what passed at meetings to which he had alluded. He disapproved highly of all these experiments, which were professed to be intended as securities for the enjoyment of all the blessings of our constitution. He knew the constitution had existed for ages sufficiently guarded by the law as it now stood; and, therefore, even if the right honourable gentleman had not opened his plan, which, he declared, struck him with horror; even if he had not said a single word upon that detestable plan; he should have given his negative to the proposition in question—because the proposition itself laid it down as an assumed fact, that the law at present is insufficient to prevent breaches of the public peace. It was said, that seditious meetings had been held somewhere in the neighbourhood of the metropolis a few days previous to the meeting of Parliament; that at these meetings very alarming proceedings had taken place, striking at the very existence of Parliament itself. That such proceedings took place he did not know; but this he knew—if speeches were made that had such a tendency, the speakers could be punished by the laws already in existence. If handbills were distributed that had such a tendency, the distributors were amenable to the law as it then stood. If any person had so conducted himself as to be the means of causing the people so assembled to form a resolution having such a tendency, he was already amenable to the law, and, when proved guilty, was liable to adequate punishment. That the law had hitherto been found sufficient for all such purposes, was enough to determine him to oppose this new measure, even if it were not supported by the flimsy pretext, that all the violence and outrage that had been offered to his Majesty was the result of these meetings, of which there was not the colour of proof. He knew, indeed, that the right honourable gentleman had attempted to connect them; he knew, too, there had been, and would be, endeavours to confound the two things.

"It was," Mr. Fox said, "ridiculous to talk of these things being perfectly notorious—to say, that these proceedings were clearly seditious; they were points upon which that House could not regularly proceed, for they were points on which there was no proof. Nothing was more clear than that the House of Commons ought never to proceed upon any measure that might trespass upon the rights of the public, without evidence that was decisive, even in cases of extreme necessity; but there was no evidence whatever to connect any of the proceedings of these meetings with the daring insult offered to his Majesty. The right honourable gentleman had said, Should not the House endeavour to prevent the repetition of such an insult? Undoubtedly it should. But then it should be upon evidence; and here the right of persons to meet anywhere to consult on public measures, was to be affected in consequence of what happened to his Majesty on the first day of the session, although there was no evidence to prove that the outrage arose from any proceedings that were had at any public meeting previous to that day. Some persons, perhaps, might consider the proclamation itself as evidence. He could agree to no such rule: he well knew there were those who doubted the truth of proclamations; who believed many of them to be the acts of Ministers for certain purposes of their own; and he was sure it was not regular in that House to take things for granted merely because they appeared in a proclamation.

"These were strong objections to proceeding upon this subject without better evidence. All this, however, was trifling in comparison with what the right honourable gentleman had said upon the subject. He had said, that there might be a difficulty to preserve the right of petitioning, and to prevent abuses of that right. Difficulty and delicacy he confessed there were, but that did not embarrass him; for, he said, they might be settled in the detail. Thus the right honourable gentleman talked with ease on the rights of the subject, as if he expected to bring the public to submit to the most rigid despotism. In that detail," Mr. Fox said, "he would never take a share; for he would never attend the detail of a measure which in its essence was so detestable. The right honourable gentleman had divided the meetings into two classes. With regard to the first, that of public meetings for the discussion of public subjects, he must not only confess them to be lawful, but must allow them also to be agreeable to the very essence of the British constitution, and to which, under that constitution, most of the liberties we enjoyed were particularly owing. The right honourable gentleman had said, that these meetings were not to be prevented, they were only to be regulated. Attend," said Mr. Fox, "to the regulation. I thought I knew the rights of man; aye, and the rights of Englishmen." [Here was a loud cry of "Hear, hear!"] "What," said he, "that is a slip, you suppose: the rights of man is a sentence without a meaning. Do you say that men have no natural rights? If so, Englishmen's rights can have no existence; this House can have no existence. The rights of man, I say, are clear; man has natural rights; and he who denies it, is ignorant of the basis of a free government—is ignorant of the best principle of our constitution.

"The people, he had always thought, had a right to discuss the topics from which their grievances arose. In all instances, they had a right to complain by petition, and to remonstrate to either House of Parliament, or, if they pleased, to the King exclusively; but now, it seems, they are not to do so, unless notice be given to a magistrate, that he may become a witness of their proceedings. There were to be witnesses of every word that every man spoke. This magistrate, this jealous witness, was to form his opinion on the propriety of the proceedings; and if he should think that anything that was said had a tendency to sedition, he had power to arrest the man who uttered it. Not only so, he was to have the power of dissolving the meeting at his own will. Say at once," said Mr. Fox, "that a free constitution is no longer suitable to us; say at once, in a manly manner, that upon an ample review of the state of the world at this moment, a free constitution is not fit for you; conduct yourselves at once as the senators of

Denmark did—lay down your freedom, and acknowledge and accept of despotism. But do not mock the understandings and the feelings of mankind, by telling the world that you are free; by telling me, that if out of this House, for the purpose of expressing my sense of the public administration of this country, of the calamities which this war has occasioned, I state a grievance by petition, or make any declaration of my sentiments, which I always had a right to do; but which if I now do, in a manner that may appear to a magistrate to be seditious, I am to be subjected to penalties hitherto unknown to the laws of England. If, in stating any of these things out of the House, a magistrate should be of opinion that I am irregular, he is to have the power to stop me: he may say, 'The cause which you allege for your grievance is unfounded; you excite, by what you say, jealousies and discontents that are unfounded;' and if I say what in his judgment or his wishes ought to be concealed, he is to have a power to stop me, and to treat me as a rioter, if I do not obey him. I ask again, if this can be called a meeting of free people? Did ever a free people meet so? Did ever a free state exist so? Did any man ever hypothetically state the possibility of the existence of freedom under such restrictions? Good God Almighty, Sir! is it possible that the feelings of the people of this country should be thus insulted? Is it possible to make the people of this country believe that this plan is anything but a total annihilation of their liberty?

"The right honourable gentleman had next adverted to a bill which had been passed to prevent the assembling of persons for the discussion of questions on the Lord's-day, from which he was to bring in a bill to prevent the discussion of questions on any day; and this, he said, was to be applicable to all cases where money was to be taken. Why all questions were to be prohibited where money was to be taken, merely on an allegation that such questions might produce mischief, was, he confessed, beyond his skill to understand. But this was not all: it was to be applicable, it seemed, to places where no money was to be taken, because, in truth, persons might be admitted by means of tickets; and they must not amount to a number beyond a certain one which the Minister should be pleased to insert in his bill, unless duly licensed by a magistrate. He would again ask, Was this, or was it not, to prevent all political discussion whatever? Let them show him when this had obtained since the Revolution, or at any time when this country could be called free. The people are to be prevented from discussing public topics publicly: they are to be prevented from discussing them privately. If then, without this private intercourse or public debate the grievances of this country are to be felt, and are such as to call forth a general desire that they should be redressed, what are the public to do? They must send, it seems, to a magistrate, and under his good leave they are to be permitted to proceed." [Here there was a cry from the Treasury bench of "No! no!"] "I do not mean," said Mr. Fox, "to overstate this power, God knows there is no occasion for that, for there seems to be sufficient care taken of magisterial authority in every step of this proceeding.

Behold, then, the state of a free-born Englishman! Before he can discuss any topic which involves his liberty, he must send to a magistrate who is to attend the discussion. That magistrate cannot prevent such meeting: but he can prevent the speaking, because he can allege that what is said tends to disturb the peace and tranquillity of this realm.

"Sir, I hope this bill will never pass into a law; I hope it will never even come into this House. I am not friendly to anything that will produce violence. Those who know me will not impute to me any such desire; but I do hope that this bill will produce an alarm; that while we have the power of assembling, the people will assemble; that while they have the power, they will not surrender it, but come forward and state their abhorrence of the principle of this proceeding; and those who do not, I pronounce to be traitors to their country. Good God, Sir, what frenzy, what infatuation has overtaken the authors of this measure! I will take another view of the subject; instead of regarding it as an invasion of the liberties of the subject, I will consider that it is adopted only as a measure of precaution against the consequences of popular tumult, and as calculated to oppose the progress of the principles of anarchy. Considered even in this point of view, I contend that it is mad to adopt such a measure as this. We have witnessed revolutions in other countries; we have recent examples before our own eyes; we have the experience of former periods of our history. Did those revolutions, with which we are acquainted, proceed from any excess of liberty, or facility of popular meeting? No, Sir, they were owing to the reverse of these; and therefore I say, if we wish to avoid the danger of such revolutions, we should put ourselves in a state as different as possible from that under which they took place. What are we now doing? Putting ourselves in a condition nearly resembling the periods when those revolutions happened. In the reign of Charles the First, the most interesting period to which we can look in the history of this country, was freedom of speech indulged to any latitude; or were libels suffered to pass without notice? On the contrary, were not both at that time punished with an extraordinary degree of rigour? Is it the intention of Ministers, by these arbitrary measures, to bring the country into the same disastrous situation in which it was plunged during that unhappy reign? It might have been supposed that the impressive lessons of modern times, and of events still fresh in their consequences, had not yet been forgotten. Look to France before the period of her revolution. Was it the facility of public meetings, or the freedom of discussion granted to the subject, that tended to produce that great change? On the contrary, was it not the absolute prerogative of the King? Was it not the arbitrary power lodged in Ministers? Was it not the oppressive privilege of issuing *Lettres de Cachet* against all who dared to utter their sentiments, and complain of existing grievances, that excited the indignation of the people and accelerated the downfall of the monarchy? If, therefore, one view on which the present measure is held out to your acceptance, be in order to prevent the troubles arising from the frequency of popular assemblies, on that very ground ought the friends of peace and of order to resist the adoption of the measure. In countries where men may openly state their grievances and boldly claim redress, the effect of their complaints and remonstrances may, indeed, for a time be obstructed by the operation of ministerial corruption and intrigue; but perseverance must ultimately be effectual in procuring them relief. But if you take away all legal means of obtaining that object, if you silence remonstrance and stifle complaint, you then leave no other alternative but force and violence. These are means so dreadful in their effects that it may be matter of question whether any good they produce can possibly compensate for the evils with which they are necessarily attended; such means as scarcely even the best cause can justify. Let us examine a little closely the argument on which so much stress is laid, namely, the danger that may arise from a popular discussion of grievances. If the pretext of grievances be groundless, and not warranted by any immediate pressure, the more it is discussed the less effect it will have in exciting discontent. But if you preclude these political humours, if I may so call them, from having a vent, you then leave no alternative but unconstitutional submission, or actual violence. If ever there exists a just cause of grievance, one or other must be adopted; a tame acquiescence, incompatible with the spirit of freedom, or an open resistance, subversive of the order of government. I know that peace and quiet are the greatest of all blessings, but I know also that rational liberty is the only security for their enjoyment. I admire the British Constitution, because it gives scope to the people to exercise the right of political discussion; not merely with the permission of a magistrate, or under the control of an executive force, but on all occasions to state, in bold and plain words, the grievances which they feel and the redress which they desire. I have only now to express my firm determination to oppose the bill in every stage of its progress. And, in the first instance, I shall conceive it necessary to move for a call of the House, as it is impossible for me to suffer a question, which involves so material an alteration of the constitution, to pass in this House, without solemnly calling on every member to give a vote on the discussion."

On a division the numbers were—Yeas, 214; Noes, 42.

Leave was accordingly given to bring in the bill, and on the motion of Mr. Fox, a call of the House on that day fortnight was agreed to.*

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* By 36 Geo. III. c. 8, intituled "an Act for the more effectually preventing seditious meetings and assemblies," it was enacted that no meeting composed of more than fifty persons should be holden, to consider of any petition or remonstrance, or to deliberate on any grievance in Church or State, without previous notice by an advertisement signed by resident householders. All meetings held in contravention of this law were declared illegal; and all persons attending them who did not disperse in a given time, on the command of the proper authority, were to be subject to punishment. If at any meeting, legally called, illegal modes of altering the present laws were proposed; or, if such meeting, in the judgment of two or more justices of the peace, or of other specified civil authorities, should, by reason of any special circumstances, become dangerous to the public peace; then such justices, or other civil authorities, were authorized to declare the meeting an unlawful assembly, and to disperse it by force, if necessary; and were indemnified for the maiming or death of individuals who endeavoured to resist

MR. FOX'S MOTION ON THE CONDUCT OF THE WAR WITH FRANCE.

In his speech from the throne on the opening of the session, on the 29th of October, 1795, the King stated that a general sense appeared to prevail throughout France, that the only relief from the increasing pressure which the destruction of its commerce, the diminution of its maritime power, and the unparalleled embarrassment and distress of its internal situation had produced, could arise from the restoration of power and the establishment of some settled system of government; and that should the destruction and anarchy which had produced the present crisis terminate in any order of things compatible with the tranquillity of other countries, and affording a reasonable expectation of security and permanence, the appearance of a disposition to negotiate for a general peace, on just and suitable terms, would not fail to be met, on his part, with an earnest desire to give it the fullest and speediest effect.*

On the 8th of December following, a message from his Majesty was delivered to the House of Commons by Mr. Pitt, stating that the crisis which was depending at the commencement of the session, had led to such an order of things in France † as would induce him, conformably with his sentiments already declared, to meet any disposition to negotiation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect; and to conclude a treaty of general peace, whenever it could be effected on just and suitable terms for himself and his allies.‡

In order to ascertain the views of the French Government, Mr. Wickham, the British Minister in Switzerland, wrote, on the 8th of March, 1796, by the direction of Mr. Pitt, to M. Barthelemy, the French ambassador at Basle, submitting to him three questions:—1. Was there a disposition in France to open a negotiation with his Majesty and his allies for the re-establishment of a general peace, by sending ministers to a congress? 2. Would there be a disposition to communicate the general grounds of a pacification, such as France would be willing to propose, in order that his Majesty and his allies might thereupon examine in concert whether they were such as might serve as the foundation of a negotiation for peace? 3. Or would there be a desire to propose any other way for arriving at the same end? Mr. Wickham also said he was authorized to receive an answer to these questions, and to transmit it to his court; but that he was not authorized to enter into negotiation or discussion.§

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them. By other clauses, a license was made requisite for houses, rooms, or fields, where money was taken for admission to hear discussions or lectures; the license was revocable by the justices; unlicensed houses and rooms were subjected to the penalty inflicted on disorderly houses; and justices of the peace were empowered to demand admission into any room, house, or field, in which they had reason to suspect that discussions or lectures were delivered contrary to the provision of the act. The act was to continue in force for three years.

* Parl. Hist. vol. xxxii. p. 142.

† The establishment of the Directory.

‡ Ibid. p. 569.

§ Debrett's State Papers, vol. iv. p. 254.

On the 26th of March, M. Barthelemy, on the authority of the Directory, wrote to Mr. Wickham, expressing their ardent desire to procure for the French Republic a just, honourable, and solid peace. The step taken by Mr. Wickham would have afforded real satisfaction, if his declaration that he had no order or power to negotiate did not give room to doubt of the pacific intentions of his court; and it was added that the Constitutional Act did not permit them to consent to any alienation of that which, according to the existing laws, constituted the territory of the Republic.*

In consequence of this reply, the British Ministry, on the 10th of April, 1794, published a declaration, stating that in the answer of M. Barthelemy the inadmissible pretension was avowed of appropriating to France all that the laws actually existing there, might have comprised under the denomination of French territory; that to a demand such as that was added an express declaration, that no proposal contrary to it would be made or even listened to; and even this, under the pretence of an internal regulation, the provisions of which were wholly foreign to all other nations; and that while these dispositions should be persisted in, nothing was left for the King but to prosecute a war equally just and necessary.† Thus terminated the negotiation at Basle on the part of Great Britain for a peace with the French Republic.‡

1796. *May* 10. In pursuance of the notice he had given,

Mr. Fox rose and addressed the House to the following effect:—"It having fallen to my lot, Sir, both at the commencement and in the course of the present war, to trouble the House with several motions which have not been honoured with their concurrence, and having last session proposed an inquiry into the state of the nation, to which the House did not think proper to assent, it may be thought by some, perhaps, to be rather presumption in me again to call their attention to the same subject. And I confess that if some events had not occurred during the last year, rather singular in their nature, I should have, however reluctantly, acquiesced in the former decisions of the House, after having entered my solemn protest against the plans that were adopted, and avowed my strong and complete disapprobation of the whole system of measures that has been pursued. There certainly, however, have happened, during the last year, some events which must, in no inconsiderable degree, have tended to alter the sentiments of those with whom I had the misfortune to differ, as well as to strengthen and confirm the former opinions of those with whom I have the honour to agree. The event of great importance, and to which I particularly allude, is the negotiation at Basle, and the notice which has been given of the negotiation with foreign powers. As I shall have occasion to comment upon this transaction more fully hereafter, I shall only say at present, that notwithstanding all the applauses that have been bestowed upon it, the result cannot fail to draw the attention of every thinking man to the present posture of public affairs; it must call the attention of every man who is not determined to act blindly (a description of persons of which I hope there are none in this House,) to the situation of the country, and that line of conduct which the Government ought to follow. For one thing that we have learned is, whether Ministers have acted wisely or not, (no matter which for our present purpose,) that we have no immediate prospect of peace. It signifies but little whether the obstacle may have arisen from the unreasonable demands of the enemy, or the mismanagement of his Majesty's Ministers; but of this we are assured, that we have no prospect of peace, (an event much to be lamented, but more especially in the present circumstances of the country,) and that it is not in the power of those who are entrusted with the administration of public affairs to obtain terms from the enemy, which they dare to offer to the nation. Whatever may be our opinions of the causes which have led to this situation, we must all be agreed as to the effect; and none, I presume, will dispute that our situation is worse than it was at the period when, either by conquest or concession, we had a prospect of approaching peace.

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* Debrett's State Papers, vol. iv. p. 255. † Ibid. p. 256.

‡ At the same time, Baron Degelman, the Imperial Minister in Switzerland, had pursued nearly the same course with Mr. Wickham, and with a similar result.

"Having stated this point, upon which there can be no difference of opinion, I shall go into a detail of those circumstances which, in my mind, have reduced us to the situation in which we are now placed. I know the language which has been held by the Executive Government on former occasions of a similar nature, and the language which may be used by the Executive Government on the present, because it is its interest to use it, is, that it is not our business to inquire into the causes of the evil, but into the best mode of remedy. If these could be separated, I admit that the conclusion would be just, but as long as man remains the same, I contend that there is no mode of extricating ourselves from danger, but by retracing the circumstances by which we have been involved in the difficulties of which we complain. The first thing then to be done, is, to take an impartial review of past events, which have led to the situation in which we now stand, that the country may be enabled to take steps to extricate itself from the situation into which it has fallen. I shall, therefore, rather look retrospectively than prospectively, and in that retrospect I shall not go further back than the American war. Most members present will recollect the calamities which befell us in that contest, and also the terms of peace which in the end we were constrained to make; terms which I shall not argue at present, whether it was or was not for the advantage of the country to accept, in the circumstances in which it was then placed. Many will also recollect the discussions which took place in the course of that war, and the constant argument which on all occasions was pressed from the ministerial side of the House, that we ought to look not retrospectively but prospectively; that when the house was on fire, the question was not how the fire was kindled, but how it could be most speedily and effectually extinguished. The argument which we opposed to that was one founded upon solid principles, and one which the House listened to at last; that a consideration of past errors would lead to future amendment, and that a change of measures would lead to a change of circumstances. And I appeal to fact, whether the truth of this argument was not confirmed by experience. As long as we declined going into a retrospective inquiry, the war continued, and our misfortunes increased; but from the moment that the House adopted a resolution to inquire into its past errors, measures were put into a train by which peace was obtained, and the national prosperity restored.

"Before we go into particular inquiries, let us first examine whether erroneous maxims of policy have not been adopted, and whether the principles which have been acted upon are not fundamentally wrong. There is an argument, which has been used by an ancient orator, the greatest orator that perhaps the world ever saw, which, in my opinion, is not inapplicable to the present situation of this country. Demosthenes uses this brilliant, and, in my opinion, no less solid than brilliant argument, in the introduction to one of his noblest orations. When he observed the conduct and the fate of the Athenians, and compared their calamities with the mismanagement of their rulers, this mismanagement, so far from being a cause of despair, he directly stated as a ground of hope. 'If,' said he, 'they had fallen into these misfortunes by the course of natural and irremediable causes, then, indeed, there would be reason for despair; if, on the contrary, they are the fruits of folly and misconduct, it may be possible, by wisdom and prudence, to repair the evil.' In the same manner I would argue on the present occasion. Had we not fallen into our present situation, from plans ill formed and worse executed; if every minister had been wise, and every enterprise ably executed, then, indeed, our state would have been truly deplorable. But if our policy has been erroneous and our measures ill conducted, we may still entertain some hope, because our errors may be corrected, and the losses from our misconduct retrieved. I have often had occasion to employ this argument, and I know it has been said in reply, that the argument is good when carried to an extreme, but that the natural imperfection common to every man renders it inconclusive in any other case. But when the misconduct was of such a nature as to be capable of being remedied, when the mismanagement was such as ought to be avoided, it showed that the argument was true in a degree, as well as true in the extreme. This I state as a motive against despair; and I contend that upon the face of the thing, when we compare the situation to which we are now reduced, with that which we held four years ago, there is ground for presumption that the change has been in a great measure owing to errors in the conduct of those who have had the management of public affairs. In a survey of the past, the period to which we are naturally apt to recur, is the period of the commencement of the war. If we could consider in one debate every particular of the external and internal situation of the country, and more especially the effects which the measures which have been adopted have had on its constitution, we might go farther back: but this would involve a detail too extensive for the discussion of a single night, a field too large for the capacity of the speaker.

"I shall begin, Sir, with the opening of the budget in 1792, when a most splendid display of the situation of the country was given by the Minister, without alluding to any prior or subsequent statement: and I take that day because it was a day on which his statement was more to his own satisfaction, and more to the satisfaction of the House, than at any other period. In the year 1792, three years after the French Revolution, the Minister came forward with his boasted and triumphant description of the state of the country, of the prosperity of our commerce, of the improvement of our manufactures, of the extent of our revenue, and the prospect of permanent peace.* He then admitted that fifteen years' peace was, perhaps, rather too much to expect, but he said that we had as rational hopes of the continuance of tranquillity as ever had existed in the history of modern times. Then—full two years and a half (I wish to speak within compass) after the first Revolution in France, after the time that the King had been compelled to return to Paris, that the National Assembly had annihilated the titles and destroyed the feudal tenures of the nobility; had confiscated the lands belonging to the Church, banished part of the clergy, and compelled those who remained to take an oath contrary, in many instances, to the dictates of their conscience;†—then, I say, it was, that this prospect of fifteen years' peace was held out to the country. It was after the King of France had been made, as was said at the time, to stand in a splendid pillory, on the 14th of July, that this expectation of lasting tranquillity was raised. So that I have a right to conclude, that in the opinion of the King's Ministers, the annihilation of the titles of the nobility, and the degradation of the order, the exile of the clergy, and the confiscation of the lands of the Church; that the invasion of the royal prerogative, and the insults offered to the Sovereign, described as they then were by their friends, by the terms pillory and imprisonment, (terms which I now repeat, not with any view of courting the favour of those who employed them, but merely to show the light in which those events were considered at the time,) not only so little interfered with the system of neutrality which they had adopted, but were in so small a degree connected with the interests of the country, as not to damp the prospect of peace, or even to render the duration of tranquillity for fifteen years very uncertain. I so far agree, therefore, with the opinion of Ministers, that instead of the country being in danger from the French Revolution, there were no circumstances attending it, which rendered the continuance of peace more uncertain than it was before it happened. It may be said, that at that time France was professing pacific views. I have so often seen these professions made by the most ambitious powers, in the very moment when they were thirsting most for aggrandizement, that I repose little faith in them; so little, indeed, that I cannot believe that the pacific views of Ministers were founded upon these professions which were made by the French. But at that very time France was either engaged in actual hostilities with Austria, or on the point of commencing hostilities. War was either begun, or there was a moral certainty that it would take place.*

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* See Parl. Hist. vol. xxix. p. 816, *et seq.*

† On the 27th of November, 1790, a decree passed the National Assembly, by which it was ordered that the same oath should be tendered to the ecclesiastics as that which had been prescribed for the military, viz. "To be faithful to the nation, the law, and the King," with this addition, "and to maintain, with all their power, the constitution decreed by the National Assembly, and accepted by the King." In case of refusal, it was enacted that they should be held to have renounced their benefices, which were immediately to be filled up in the mode prescribed by the civil constitution of the Church. The great majority of the clergy throughout France having refused the oath, they were dismissed their benefices.—Alison's Hist. of Europe, vol. ii. p. 221, seventh edition.

" Without stopping to discuss a point, (on which, however, I have no difficulty in my own mind), whether Austria or France was the aggressor, it was sufficient that Ministers knew at the time that an aggression had been made on the part of one of those powers. And notwithstanding the defeats which attended the French arms at the outset, it was the general opinion that the Austrian territory was defenceless, and that it would soon be overrun by the enemy's arms. But even then a fifteen-years' peace was talked of. And I must here state a fact, which, though not officially confirmed, rests upon the general belief of Europe, that before hostilities commenced between Austria and France, an insinuation, or rather a communication, was made by England to the latter power, that if they attempted any aggression upon the territories of Holland, which at that time was our ally, we should be obliged to break the neutrality that we had observed, and interfere in the contest. This message has been differently interpreted. Some have put upon it the interpretation which I think, upon the whole, is the fair one, that it was our policy to take all prudent means of avoiding any part in the war. Others, I know, have put upon it a more invidious construction, and insinuated that our meaning was neither more nor less than this, speaking to the French, ' Take you Austria and do with it what you please, but we set up the limits of Holland, beyond which you shall not pass.' I state this to show that at that time Ministers did not foresee any probable event which might occasion a rupture between this country and France. That this also was the general opinion of the House in the spring of 1792, I need not spend time in convincing them. I shall, however, barely mention a circumstance of a financial nature, which happened near the close of the session, which proves the fact beyond dispute. I mean the measure of funding the four per cents. At that time the three per cent. Consols had risen to ninety-five, ninety-six, and even to ninety-seven, and it was the opinion of the right honourable the Chancellor of the Exchequer that they would rise to par; in this conviction, and with a view of a probable saving, he had lost the opportunity of a certain saving to the nation of a perpetual annuity of £240,000; a thing of such magnitude as to prove to the House that at that time the right honourable gentleman had no expectation that the peace was likely to be disturbed, since it induced him to forego the great good which was in his power, in the hope of the trifling addition that might have accrued on the event of the three per cents. rising to par. I mention this as a fact subsidiary to the declarations which the Minister made at the commencement of that session, and which proved, that to the end of it, he continued to entertain the same confidence of peace.

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* The debate alluded to took place on the 17th of February, 1792, and war was declared by France against Austria on the 20th of April following.

"Thus ended the session of 1792. In the course of the summer of that year various events of various kinds took place. The Revolution in France of the 10th of August chiefly deserves notice. I shall not now comment upon the nature of that Revolution, I shall speak of it merely as a member of the British legislature, and as an event connected with the interests of this country. The great alteration it had produced was the changing the government of France from a monarchy to a republic. I know that these are excellent words, and well adapted, as the history of our country has proved, for enlisting men under opposite standards. But this is not the view in which that Revolution is to be considered, as affecting the policy of this country. Let us in the first place consider its influence upon this country, in the way of example, and the prevalence which it was likely to give to Jacobin principles throughout Europe. After this country had seen the order of the nobility destroyed and their titles abolished, when it had seen the system of equality carried to as great a length as it was possible to carry it, except in that one instance of the existence of a king, I ask those who are fondest of the name of monarchy, (I beg not to be understood as speaking in the least disrespectfully of that form of government), whether there was anything in the monarchy of France, previous to the 10th of August, which tended to fortify the English monarchy? Whether there was anything in the subsequent Revolution which tended to render it less secure than it was immediately before that event happened, when no danger was apprehended? Whether there be a greater or a less prospect of peace between this country and France since the overthrow of the House of Bourbon than there was before? It is not my disposition to triumph over the distresses of a fallen family; but, considering them as kings of France, as trustees for the happiness of a great nation, and remembering at the same time my old English prejudices, and I may further add, old English history, can I regret that expulsion as an event unfavourable to the happiness of the people of France, or injurious to the tranquillity of Great Britain? No man who thinks that the former wars of this country against France were just and necessary, can refuse to say that they were provoked by the restless ambition of the House of Bourbon. And can it then be said that the overthrow of that monarchy was either a cause of alarm or a symptom of danger to Great Britain?

"Lest, however, I should be thought by some to approve more of the conduct of Ministers than I really do, I here find it necessary to say a few words by way of explanation. I approve of their sentiments in 1792, in as far as they thought that the French Revolution did not afford a sufficient cause for this country involving itself in a war, and I approve of their conduct in as far as it proceeded upon a determination to adhere to an invariable line of neutrality, provided universal tranquillity could not be preserved. I differ, however, with them upon the means of preserving that neutrality. I think there was a time before the war broke out with Austria, which presented an opportunity for this country to exercise the great and dignified office of a mediator, which would not only have been highly honourable to herself and beneficial to Europe, but an office which she was in some measure called upon to undertake by the events of the preceding year. The event to which I particularly refer was the treaty of Pilnitz,* by which Austria and Prussia avowed their intention of interfering in the internal affairs of France, if they should be supported by the other powers of Europe, which certainly was to all intents and purposes an aggression against France. The circumstances of the transaction, still more than the transaction itself, pointed out the propriety of this mediation on the part of Great Britain. This treaty, I really believe, was never intended to be acted upon; but this certainly does not lessen the aggression, much less the insult which it carried to France. The emperor at that time was importuned by the emigrant nobility and clergy to interfere in the domestic affairs of France. Austria did not dare to interfere without the co-operation of Prussia; and Prussia did not wish to hazard the fate of such an enterprize. When those powers were in this state of uncertainty, that was the very moment for England to become a mediator; and if this country had at that time proposed fair terms of accommodation to the parties the matter might have been compromised, and the peace of Europe preserved, at least for some time; for, God knows, the period of peace is at all times uncertain! If England had then stepped forward as a mediator the questions to be agitated would have related solely to Lorraine and Alsace. And is there any man who believes, putting out of the question the internal affairs of France altogether, that under the impartial mediation of this country, all the difficulties respecting the tenures of the nobility, and the right of the chapters in those two provinces, might not have been easily settled to the satisfaction of the disputants? I cannot conceive that Ministers, in concerting their schemes, and adopting the measures which they have pursued, could be influenced by any secret principle so depraved and truly impolitic, as to be induced to contemplate with satisfaction the growing seeds of discord, under the idea that this country would flourish, whilst the other powers of Europe were exhausting themselves in contention and war. Neutrality I admit to have been preferable to an active share in the contest; but to a nation like Great Britain, whose prosperity depends upon her commerce, the general tranquillity of Europe is a far greater blessing (laying the general interests of mankind out of the question) than any partial neutrality which it could preserve. I hope, therefore, that it was upon no such contracted views that Ministers declined the office of mediators at the period to which I allude. One would think, however, that after refusing such interference, they would have been the last men in the world to intermeddle with the internal government of another country.

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* After the failure of the flight of the royal family of France to Varennes, in June, 1791, and their open imprisonment in the Tuileries by the revolutionists, the Emperor of Austria and the King of Prussia resolved to hold a personal interview, with a view to deliberate on taking measures against the further progress of the French Revolution. A meeting was accordingly held at Pilnitz, in August, 1791, between the Emperor and the King of Prussia. There the celebrated Declaration of Pilnitz was framed, which was comprised in the following terms:—"Their Majesties the Emperor and the King of Prussia, having considered the representations of Monsieur, brother of the King, and of his Excellency the Count d'Artois, declare conjointly, that they consider the situation of the King of France as a matter of common interest to all the European sovereigns. They hope that the reality of that interest will be duly appreciated by the other powers, whose assistance they will invoke; and that, in consequence, they will not decline to employ their forces conjointly with their Majesties, in order to put the King of France in a situation to lay the foundation of a monarchical government, conformable alike to the rights of sovereigns and the well-being of the French nation. In that case the Emperor and King are resolved to act promptly with forces necessary to attain their common end. In the meantime they will give the requisite orders for the troops to hold themselves in immediate readiness for active service."—Alison's Hist. of Europe, vol. iii. p. 155, seventh edition.

"Having proved that the event of the 10th of August made no difference, in our relative situation, I trust it is not necessary for me to refer to the horrible scenes that were disclosed in France, in the month of September; I merely mention them that it may not be said that I wished to pass them over in silence, or without expressing those feelings which in common with all mankind I experienced, on hearing of atrocities which have excited the indignation of Europe. However monstrous they have been, they seem, notwithstanding, to have no relation to the present question; they have no small resemblance, at the same time, to the massacres in Paris in former periods; massacres in which Great Britain was much more nearly affected than by the events of the month of September, 1792, but in which she nevertheless did not interfere; a conduct, the propriety of which it fell to the province of the historian to discuss; and to historians alone must the massacre of September, 1792, be also left: for though individual members might think them a fit topic with which to inflame the rage of mankind, Ministers never contended that they were a legitimate cause of war.

"We now come to that important event, the successful invasion of the Austrian Netherlands, by the French under General Dumourier. How far it would have been wise in this country to have permitted France to remain in possession of this key to Holland I shall not now argue. But what happened in October was apprehended in April; and if it is once admitted as a principle, that it would have been impossible for this country to have allowed France the quiet possession of this territory, would it not have been wise in this country to have prevented the invasion by a mediation between the two powers? Perhaps it may be said that they trusted that the great military power of Austria would be able, if not to resist the invasion in the first instance, at least to compel them to retire. If this was the policy with which they acted, it certainly was a policy more than ordinarily shallow. It would have been, perhaps, in this, as in every instance of a similar nature, more wise to adopt a resolution at the outset, and to act upon it with uniformity, firmness, and consistency. Supposing France to be successful, did you expect to strike in at the end of the war, and speak to France as you did in the case of Russia and the Porte, when you vauntingly said to Russia, You shall not keep Oczakow as an indemnity for the expenses of the war? What was the consequence, however, when you came forward in this arrogant and imperious tone? You were not seconded by the country; you were condemned, as assuming haughty and unwarrantable pretensions, by every impartial man in Europe; and in the end you were obliged to send a minister to Petersburgh to renounce everything that you had said. Had you pursued the same conduct in respect to France you would have been reduced to the same dilemma. The more the aggrandizement of France was to be dreaded the stronger motives we had to exercise the office of a mediator before the war commenced. Shortly afterwards Lord Gower was recalled from Paris; a circumstance which I always lamented, because from that moment the continuance of peace between the countries became more doubtful. And this brings me to the immediate causes of the war.

"The immediate causes of the war have generally been reduced to three: first, the way in which certain individuals belonging to the Corresponding Society in this country were received by the Government of France; secondly, the decree of the 19th of November; and, thirdly, the claims which were set up against the monopoly held by the Dutch of the navigation of the Scheldt. The first appears to me to be so insignificant as not to be worthy of a serious answer. In the first place, in order to give it shape, in order to make it fit for being put down upon paper, you must begin with assuming that there was a government in France to whom you might complain, and from whom you might demand redress. But was there ever any complaint made, or any dissatisfaction stated? Respecting the decree of the 19th of November, did you ever complain of it? Did you ever demand that it should be either revoked or explained? This is a circumstance so intimately connected with the existence of a government in France, that I know not how to separate them. You refused to recognise the Government of France, and from that very moment all the means of conciliation and explanation were at an end. Things were then brought to the *ultima ratio regum;* for the moment that you cut off all means of explanation, you virtually make a declaration of war. But though you arrogantly and unwisely refused to recognise the Government of France, you allowed M. Chauvelin to remain here; and from the papers which passed between him and the King's Ministers at the time, the French seem to have shown a strong disposition to explain that decree. Why then, it will be asked, did they not explain it? Because they did not know what explanation would be satisfactory. But it is admitted by all the writers on the law of nations that I have read, that an insult, or even an aggression, is not sufficient cause of war, till explanation or redress is demanded and refused, and that the party who refuses an opportunity of explanation to the other is the aggressor. This opportunity, however, was denied to the French; and upon these principles England was the aggressor. With respect to the opening of the Scheldt, is there any man who does not believe, if a negotiation had been then attempted, that matters might not have been arranged to the mutual satisfaction of the parties? This was even admitted by the House. For what was the favourite argument at the time? 'England is the last power in Europe upon whom the French will make war; but after devouring the rest of Europe, they will swallow you up at last.' Upon this part of the argument I am a good deal relieved by subsequent events. And here I am sorry to allude to the opinions of a gentleman (Mr. Burke) who is no longer a member of this House;* but from the part he took in the politics of the country at the time, and the effect which his eloquence produced, I find it impossible to speak of the history of the times without saying something on the doctrines and sentiments of that able and respectable man. In a most masterly performance, he has charmed all the world with the brilliancy of his genius, fascinated the country with the powers of his eloquence, and, in as far as that cause went to produce this effect, plunged the country into all the calamities consequent upon war. I admire the genius of the man, and I admit the integrity and usefulness of his long public life; I cannot, however, but lament that his talents, when, in my opinion, they were directed most beneficially to the interests of his country, produced very little effect, and that when he espoused sentiments different from those which I hold to be wise and expedient, then his exertions should have been crowned with a success that I deplore. Never, certainly, was there a nation more dazzled than the people of this country were by the brilliancy of this performance of Mr. Burke! Much of the lustre of his opponents, as well as of friends, was drawn from the imitation of this dazzling orb; but it was the brilliancy of a fatal constellation, which bore terror and desolation in its train; and we are to this day suffering its baneful effects. This able man had no bounds in his opposition to my proposition for recognising the Government of France. It was represented as a proposition to petition France for peace, by throwing ourselves at her feet; to surrender our beloved Sovereign's head to the block; in fine, entirely to give up the constitution. And why? Because it was to treat with regicides, though the unfortunate event (for such I shall always call it) of the death of the King of France had not as yet taken place. When the question comes to be re-considered, I am confident that the country will not be of this opinion. At present, I have even Ministers themselves as accessaries to the fact, after it has actually happened. By their petition or message to the Directory, have they not acknowledged the power of those very men who pride themselves upon the part they took in promoting that unfortunate event,* and who now celebrate it by an anniversary festival? For what purpose do I mention this, but to show that I did not wish to surrender the constitution, which has been handed down to us from our ancestors, cemented with their blood; and that it was no part of my design to bring the head of our beloved Sovereign to the block?

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* *Vide ante*, p. 549, note.

"But to return to the opening of the Scheldt. I am not one of those who conceive the navigation of the Scheldt to be of no importance at all to Holland; but in its present circumstances, I think it was of very little importance. It may be asked, however, Are you to judge what is and what is not for the interest of Holland? Are not the Dutch much better judges of what is for their interest than you are? Far, far better certainly, is my answer. But did the Dutch themselves at the time think it an object worth disputing about, or rather did not we drag them reluctantly into the contest? A variety of other arguments were used at the time. I do not wish to recall the language of any particular gentleman to the recollection of the House; but as there was one argument adduced against a proposition which I had the honour to make, I have more particular reason to remember it. I was told, that we ought not to recognise the French republic for fear of disgusting our allies. Let us inquire, then, who were our allies at the time. The States-General were among the number. Then it was said, that even those who were disaffected to the interest of the Stadtholder were so aristocratic in their sentiments, that they would spurn with indignation at French principles, and that an invasion would heal all the internal divisions which subsisted in that republic. Notwithstanding these assertions, however, I have heard, and I know it is commonly believed, that Holland was not conquered by the arms of France, but by the disaffection of the Dutch to the cause in which they were engaged. Our other allies were Austria and Prussia. Whether the King of Prussia has acted to this country with fidelity and honour, or with falsehood and perfidy; whether he has performed his engagements, or whether he has violated the faith of the treaty, we have never been informed by Ministers; but this I will ask, whether, after granting him an enormous subsidy, a subsidy which must be regarded as most extravagant when compared with the amount of the services which he has performed; whether, if you had thought proper to recognise the French republic before you entered into the war, he would have deserted you one day sooner, or swallowed up more of the treasure of the country than he has done? With respect to Austria, is there any man who seriously believes that, though we had recognised the French republic, we might not have availed ourselves as much as we can do at this moment, of the service of that power? Even if Austria had been disgusted, all that she could have done would have been to make a separate peace, which would have probably been the means of restoring general tranquillity, because that must have happened before we engaged in the war. But if this danger would have attended the recognition of the French republic before, may not the effect be produced by the late negotiation at Basle, in which Austria was not a party? It was argued, that a recognition implied an approbation of everything that had passed. But this I denied when the objection was taken, and still persist in denying. On the question of, Who was the aggressor? I contend, that by the law of nations, as it is explained by the best writers upon the subject, we were the aggressors, because we refused to give to France an opportunity of redressing those grievances of which we complained.

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* The five Directors, Rewbel, Le Tourneur, Larévellière Lépeaux, Barras, and Carnot, had all voted for the execution of Louis XVI.

"I now come to the period at which we began to take an active part in the contest. When our armies first appeared in the field, the enemy were forced to retire from the territories which they had occupied; they were completely driven out of the Netherlands, and we were in possession of almost all French Flanders. At this period, it was reported that a person of the name of Maret made proposals for peace on the part of the French, which were not listened to by his Majesty's Ministers. Why, then, I ask, did you not make peace at this prosperous juncture? when the enemy were defeated in every battle, when they were driven from the frontiers of our allies which they had occupied; when we had made a considerable impression upon French Flanders; when, excepting Savoy, they had not one foot of land belonging to our allies, and when they might have been disposed to purchase terms of peace by a considerable sacrifice of territory? Why did we not make peace in these circumstances? Why, because the system on which Ministers had set out was deserted; because you no longer confined your views to the security of your allies, but, infatuated with success, you began to seek for indemnity. The declining to negotiate at this period, I set down as a principal cause of all our succeeding calamities.

"I cannot help remarking that there has been a good deal of inconsistency in the mode of arguing adopted by those who have been adverse to negotiation. When the French were successful, I was asked, What! would you humble the country so far as to beg peace from the enemy, in the moment of her victories? And when the allies were successful in their turn, I was told that we must not treat at a time when our armies were everywhere triumphant, and when nothing but disgrace and defeat marked the progress of the enemy; that then was the period to avail ourselves of our good fortune, and reap the fruits of our victories. It was even at one time thought advisable to push our victories so far as to march to Paris. Upon the project of effecting a counter-revolution in France, having said so much on former occasions I shall not enlarge now. The great defect in the management of the war, however, has, in my opinion, been the want of a determinate object for which you have been contending. You have neither carried on war for the purpose of restoring monarchy in France, nor with a view to your own advantage. While the Emperor in Alsace was taking towns in the name of the King of Hungary, you were taking Valenciennes for the Emperor; proclaiming the constitution of 1791 at Toulon; and taking possession of Martinique for the

King of Great Britain. What has been the consequence of this want of object? You have converted France into an armed nation; you have given to her rulers the means of marshalling all the strength of the kingdom against you. The royalists in France, also, so little understood your intentions, that they did not join you; and the reason is obvious, that they did not know whether you were at war for the purpose of re-establishing the ancient monarchy of France, or for the purpose of aggrandizing yourselves by robbing France of her territories. It might then have been imagined that we would have endeavoured to conciliate the body of constitutionalists. No such thing. We had acted so as to give the impression that we were desirous to show our enmity towards that body of men. The unfortunate La Fayette, who deserved the praise of being a man of the most uncorrupted nature, who had the merit of steering between the two extremes of the parties that agitated this country; this firm, brave, and steady friend of his sovereign—this gallant and distinguished gentleman, equally the friend of his king and his country, emigrated after the 10th of August. Upon neutral ground he was seized by certain robbers in the service of the King of Prussia; he was kept by that monarch for years in prisons and dungeons. It might have been thought, if you had been desirous to conciliate this body of men, whose constitution you announced at Toulon, that you would at least have made a point of procuring the enlargement of this estimable character. It might have been thought that, in return for an enormous subsidy, the King of Prussia could not hesitate at the enlargement of one prisoner. But when a motion on the subject was made by my right honourable friend (General Fitzpatrick), it was said that it was impossible for this Government to interfere. He is delivered from the King of Prussia, on his recognition of the French, to the Emperor, because he said he belonged to the allies generally, and by him he is kept in the same scandalous and inhuman bondage. From this dreadful captivity he endeavours to escape—a circumstance not very surprising; he is taken and sent back to his prison, to experience more rigorous treatment. At length Madame La Fayette, after enduring a series of most dreadful sufferings under the brutal Robespierre, from which she escaped by miracle, flew, on the wings of duty and affection, to Vienna, to solicit the Emperor for permission to give to her husband the consolation of her attentions in his prison. The Emperor granted her request. But on her arrival at Olmutz, the officer who had the care of M. La Fayette, told her with openness and candour, that if she resolved to go down to the dungeon to her husband, she must submit to share in all the horrors of his captivity. [A burst of indignation broke from every part of the House]. This, however, had no terrors for her affectionate heart; she plunged into his dungeon, and there they remain together, the living, and yet buried, victims of this inhuman power. Nay, this is not all; she applied for leave to have a female attendant, instead of a male, about her person; this, she said, even the implacable Robespierre had not denied her; but even this request was brutally refused! As if it were not enough that our Ministers had not interfered for the deliverance of this gentleman, and for fear that it should be misunderstood that they did not participate in the measure, M. Alexander Lameth, one of the persons who retired from France along with La Fayette, had, after a most cruel confinement, come to this country to take the benefit of the Bath waters. He had also been confined in the prisons of Prussia; but his health having fallen a sacrifice, the King yielded to the solicitation of his mother, and had permitted him to have a certain period of relaxation, and, having afterwards made his separate peace with France, was easily persuaded to give him liberty. This gentleman, then, who had so greatly distinguished himself as the friend of his king and country, who had only been desirous to establish a limited monarchy, and who had fallen a sacrifice in his native land to his endeavours to prevent the violence and injustice which have unhappily been committed, sought to re-establish his health in this country. He had not been here a single fortnight, the greatest part of which he spent in his bed, before he was ordered to quit the kingdom; and to every representation of the alarming state of his health, and the impropriety of his being put on board any other than a neutral vessel, very little attention was paid, and he was hurried away, at the hazard of his being carried into Calais and conducted to the guillotine. What could be more injurious to the country than such conduct? Any person who had seen M. Lameth with his broken and decayed constitution, would not have conceived that he was in a state to be dangerous to the Government. Good God!" exclaimed Mr. Fox, "M. Lameth an object of terror to the British Government! An object of terror no otherwise than of moral terror, which his sufferings might excite, as exhibiting a dreadful example of the justice of what are termed 'regular governments,' of the implacable temper of political animosity, and of that severe vengeance which jealousy and offended power exercise on their unresisting victims! And thus this gentleman, who had justly rendered himself dear to all who love rational liberty, and to whom the emigrant nobility of France owed such obligations, was driven from England.

"Thus it appears, that it is not to loyalists of every description that favour is to be shown; it is not to those who take up arms in favour of the limited monarchy, which it was the pretended object of the allies and of this country in particular to establish, but to those only whose endeavours aim at the restoration of the ancient tyranny, who are the friends of the old feudal system. They, it seems, are the only royalists whose loyalty is entitled to support. With respect to the treatment of General Dumourier, though I do not mean to place him exactly in the same point of view as the two gentlemen I have just mentioned, yet the behaviour of the allies towards him has not been less impolitic; for, certainly, to afford an asylum and offer our protection to those men who, disgusted with the party whom they served, withdrew their assistance, was the only effectual way to encourage others to follow their example. It is said that the legitimate object of Great Britain in this war was to obtain from France a just and honourable peace, and that this was also the object of the allies. Why, then, was not that object attempted, when the confederacy existed in its full power? Why were two of the powers, Prussia and Spain, suffered to melt away, and their aid to be withdrawn from the general cause without making any overtures for such a peace? You may say it was not your fault, that you could not foresee their secession; let me, however, observe, that when statesmen take upon themselves to form alliances with other powers, they should know something of the characters of the princes with whom they make such alliances, and how far it is probable they will keep to the letter of their engagements. As to the King of Prussia, there was every reason to suppose, long before the event took place, that he would make peace with France; that it was his interest so to do: and with respect to Spain, it was apparent to the most short-sighted statesman that her ministers could not protract the conclusion of a peace with the victorious republic, without endangering the existence of the Spanish monarchy itself. It was, therefore, an incumbent duty on Ministers to have foreseen the probable consequences of their alliances: if they had possessed any of that necessary foresight they would, during the last session of Parliament, have used their endeavours to have procured a peace, while the confederacy was acting in concert, and not have waited till it was dissolved.

"It is alleged that the form of government in France was not such as to enable Ministers to treat for peace upon any sure foundation. I, however, am one of those who think that the Government, so far as respected external relations, was of no consequence to the contracting parties. If an absolute government is, as it is thought to be, the best to enter into engagements with, surely no one will deny but France was an absolute government during the tyranny of Robespierre, as well as during the reign of the prior and succeeding factions. The acts of those factions were never afterwards revised, with respect to external relations. But, you say, you must wait till there is a regular constitution established. Is that the most proper time to retrieve your losses by negotiation, when they have settled themselves in a permanent government, ascertained the limits and boundaries of their conquests, made the whole subject to their general laws, and communicated to what was your territory every inherent quality of their own departments? We were told, several years ago, that the French were reduced to such extremity that they could not possibly find resources to enable them to continue the contest much longer; and only last session it was asserted, with the utmost degree of confidence, that they were not upon the verge but in the actual gulf of bankruptcy, that they were in the last agony. A twelvemonth has now elapsed since they have been in that agony; and really it is the first time I ever heard of any set of people continuing so long in such a situation. I certainly must admit that, last year, while France was labouring under this agony, the Emperor, with the assistance of this country, was enabled to regain part of his dominions which had been wrested from him, and this was looked upon as an accomplishment of the prediction, that the French were reduced to the last extremity, and that they were not in a capacity ever to recover themselves. It might naturally have been expected that death would have been the consequence of this agony; but was that the case? Far from it. The events of the last three weeks have been of a nature sufficient to prove that their agonizing struggles may in the end destroy their enemies, and draw them into that gulf of ruin in which they had flattered themselves the French would have been irrevocably buried.

"The state of the French finances has been another argument to prove their inability to continue the war. God forbid, that the finances of this country should ever be so involved! But the French have now got over the worst consequences resulting from the state of their finances. France has been placed in that situation wherein it has been necessary to call forth all the property of the country, in order to maintain the quarrel. Without recurring to the mode of argument which was made use of yesterday, with respect to the new mode of taxing capital, I hope, if ever we should be in the situation of the French, that we shall not hesitate to expend the whole capital of the country, rather than have a constitution imposed upon us by a foreign enemy. I had rather that all should be taken away by the calamities of the present war; I had rather that we should be forced to submit to one, two, three, or four requisitions of all the adults in the kingdom; all this I would rather submit to, than that the country should experience the misery of absolute servitude. You have reduced France to the situation of absolute bankruptcy; but that bankruptcy is past, and now they have the whole resources of the country to bring forth against you. It is now twelve months since we conceived them in such a state of bankruptcy as to be incapable of resistance. It was the boast of Austria, that she had recovered her losses; but we see the campaign open this year with such gigantic efforts on the part of the French, as to leave no room to hope that we can ever be able to resist them.

"At the commencement of the present session, his Majesty, in his speech from the throne, intimated a disposition to negotiate, and had more fully manifested that disposition in his message of the 8th of December. Why did not Ministers make the attempt at that time, which was peculiarly favourable for such a measure, as the campaign could not well be opened for some months? Instead of this, we find that the first step taken was on the 8th of March, three months after the communication of the earnest desire for peace contained in the King's message, and four months after the same sentiments had been avowed in his speech from the throne. This delay has not been occasioned by a wish to consult with our allies and obtain their concurrence, for it does not appear that they either sanctioned or disapproved it. An allusion was made to them in Mr. Wickham's letter; but in order to justify the delay, the application should have been made in the name of them all, and some specific terms should have been offered. This was not the case. Mr. Wickham's letter was such as might have been agreed upon in a quarter of an hour, instead of three months. But this letter, after all, expressed nothing more than was contained in the King's speech, and cannot be produced as a new proof of the desire of Ministers for peace.

"It has been said in this House, and his Majesty's Ministers have particularly supported the opinion, that the contagion of French principles is highly dangerous to this country. Those principles, and their supporters in France, have been treated in this House with every mark of insult and contempt, with every expression of disgrace and detestation. The first thing Ministers should have done was to remove the unfavourable impression, the hostile disposition, which their language and conduct must have created; and the first step towards accomplishing this was a full and unequivocal recognition of the French republic. Towards the conclusion of the American war, some gentlemen in this House thought an acknowledgment of the independence of America should be made the price of peace. I always thought otherwise, and that it ought to be made freely and gratuitously. But, whether I was right or not, the present is a question materially different. We have no claim on France like that which we had on America, and therefore the less would have been the sacrifice in recognising the republic. But so far from doing this, Mr. Wickham's note does not even hint at the terms that would be acceptable. This reserve may in some cases be prudent and wise. In the present case, I see neither prudence nor wisdom. Instead of either recognition or offers, you tell the Directory that your Minister is not empowered even to negotiate. To argue this point fairly, I must put myself in the situation of the enemy; and here I must ask, What could I think of such a communication from Ministers, who for several years have traduced the principles and governments in France, and reviled all the ruling men in that country—from Ministers who delayed that communication for three months? I could not believe the sincerity of their offers.

"It is not regular to mention what has passed in former debates; but if I may be permitted to allude to the arguments advanced a few evenings ago upon the subject of the King of Sardinia's subsidy, we shall find a full illustration of the Minister's motives in making the pretended offers of peace through Mr. Wickham. On that occasion, it was said, that it was by no means certain that the overtures of his Sardinian Majesty were made with the view of obtaining peace. It was most probable, that they were made in consequence of the pressure of circumstances, and that all his object was to know what were the conditions on which the French would consent to a pacification; for he had no real intention of putting an end to the war. I cannot conceive more happy expressions to explain the views of his Majesty's Ministers, in making overtures through Mr. Wickham. They were no doubt actuated by the same motives that guided his Sardinian Majesty; and the French might well suppose that their pretended offers were produced by the pressure of circumstances, and made with the view rather of protracting than concluding the war. The pretence set up by the French, that they could not give up any territories which had been consolidated with the republic, is, indeed, a matter of regret; but it is a circumstance that doubles my indignation against those Ministers who have brought us into this lamentable situation, who have deferred any proposition for peace till a period when the difficulties are such that there is no prospect of obtaining it on safe and honourable terms. I see great triumph on the other side of the House, and I do not wonder at it. Their object was to delay overtures of peace till they could not be accepted, and they have succeeded. This may be a manœuvre in war, but it is not an act of which a Minister, sincerely desirous of peace, ought to boast. That it was such a manœuvre, I am convinced, by the eagerness and exultation with which the correspondence has been published. Is there no better means of making the Government of France believe the sincerity of your wishes for peace? Why is it not considered how other treaties have been made? Why not make your disposition for peace known by various other channels than an open negotiation? And, above all, why not recognise the republic, and renounce any design against it on account of the principles on which it was founded? When that great man, the late Lord Chatham, was consulted respecting the best mode of terminating the unfortunate dispute with America, did he send to know what were the terms demanded by the Americans? No: his opinion was, that nothing would effect a complete conciliation but a complete change in his Majesty's councils." [A laugh on the Treasury bench.] "Gentlemen may laugh, but I do not understand how the calamities of the people, brought on by the present councils of his Majesty, can be a subject of merriment. To remove those calamities, a total change, not only in the councils of his Majesty, but in his counsellors, is absolutely necessary; for to suppose, after their recent conduct, that they will abandon those principles of action which have brought on us so many misfortunes, is absurd. They have not in any way manifested such a change. The Administration which conducted the American war was found unfit to settle the peace; and yet Lord North, of whom as a private man I never can speak but with respect and esteem, had a most conciliating disposition, and never was considered to be personally anxious to establish our dominion over America, neither had he spoken with so much acrimony of our enemies as has lately been the case. He might have treated with more advantage than our present Ministers, and yet it was found necessary that he should resign.

"The change of feeling towards the French must have been very sudden in the right honourable gentleman; for at the time he was making pacific professions, he was sending an expedition to the coast of France, which, if it had succeeded, would have compelled him to declare Louis the Eighteenth king. Had the Island of Normoutier been taken in the name of Louis the Eighteenth, in whose name it was summoned by a British officer, how could Ministers have recognised the republic? It appears, then, that their conversion is very sudden; and sudden conversions are most suspicious. It is but too manifest, that they never were sincerely desirous of negotiating a peace with the French republic. They might, indeed, draw up a paper with the ingenuity of special pleaders, that might serve as a declaration in a court of law, but which, from its ambiguous mode of expression, could not satisfy a more liberal judgment of the sincerity of their wishes for peace. I do not wish to visit the sins of the father upon the son; I do not wish that the descendants of the house of Bourbon should be treated in the manner in which the unfortunate house of Stuart was treated; but if your specific offers were sincere, you should have disowned Louis the Eighteenth as King of France. You should have recalled Lord Macartney, who was sent as ambassador to him, and avowed that you made war on France as a republic, and consequently that you recognised it as such. It would have been a becoming act of justice in you to have declared this to Louis the Eighteenth; and it would have been an act of prudence to yourselves, with a view of convincing the Directory of the sincerity of the change in your sentiments; it would have freed the unfortunate emigrants from all further suspense respecting their fate, and would have convinced the French Government of your actual solicitude for peace.

"And here I must beg pardon of the House, for entering into a short digression on the double dealing that has been used towards the unfortunate emigrants from France, and observe, that it is a most consoling circumstance to me that not one of them owes the smallest atom of his misfortunes to anything I ever did or said. It was natural that those unhappy men, when they heard that the estates of Englishmen were insecure, unless the estates of the emigrants were restored; when they heard that we could not make peace with the republicans without laying the head of our sovereign on the block; when they heard that Great Britain was fighting for her very existence, it was natural for them to say, we may safely risk ourselves in the same bark that carries Cæsar; we may venture our fortunes along with that of the British empire. With these opinions, which they imbibed from speeches delivered in this House, the royalists had been drawn from all parts of France, fully persuaded that they would be cordially received here. But how have they been duped with ambiguous declarations, made purposely to deceive them into an idea that they were to fight for the restoration of the French monarchy, and of their own property; when, in fact, they were only set on to fight for the fluctuating views of Ministers, who never regarded their personal welfare, or the cause they wished to support, as an object of real importance! In this manner many of the emigrants have been seduced to their ruin, and it would be but an act of justice to tell them we are not now fighting for the restoration of the French monarchy, we are not now fighting for the restoration of your property—our only object now is, to regain the territories we have lost—we are fighting only about the conditions of peace. The question now is, whether Ministers have really changed their sentiments respecting the origin and objects of the war. If they have, they should prove it by some unequivocal act or declaration. If they have not, as I suspect is the case, then this House should entreat his Majesty to change his councils. I know it will be said, 'What! you have been speaking three hours, and all for the purpose of procuring a change of Ministers, because such a change might be advantageous to yourself.' To this I can only answer, that I never will take a part in the Government, till the principles upon which the present war has been made, till the principles upon which our domestic politics have been conducted during its continuance, have been completely renounced and abandoned ; for it is to them that we must trace the source of all the evils with which we are now afflicted. No minister who commenced and carried on a war, ever made an advantageous peace ; but if the present Ministers expect to prove an exception to this rule, they should show that they are seriously convinced of their past errors ; they should renounce the principles on which they have acted before they can hope to put an end, with safety and honour, to a war which they have conducted with so much rancour and with so little success. It has been said, let us persevere a little longer, and we shall ultimately succeed ; mandats are as much depreciated now as assignats were formerly ; France cannot, therefore, continue the contest long. In answer to this I will only say, look at the effects of the war upon ourselves, and consider well how long we shall be enabled to carry it on. Between fifty and sixty thousand men have already been sent to the West Indies ; the mortality has been great among them, and the advantages comparatively trifling, for if we have taken Martinique, St. Vincent's and Grenada are laid waste. The Dutch possessions, it is supposed, will form our chief indemnity at the peace. I will say little as to the fairness of taking these from a nation, to preserve the territory of which we professedly went to war. I am told, Ministers do not now wish the Stadtholder to be restored ; but I will only remark, that our extensive colonies in different quarters are already a great incumbrance to us in time of war ; they exhaust our strength, and if our maritime force shall ever be equally opposed by a hostile power, their possession will be very precarious.

"We have, Sir, completely failed in all the objects for which the war was commenced. Holland is lost, the King of France exiled, and the aggrandizement and power of the French republic is more alarming than ever. Of our allies, the King of Prussia, who was the first to treat with the French, has sustained the least injury ; the King of Spain has been forced to make peace in order to save his dominions ; and the King of Sardinia is now in the same predicament, compelled, for his own safety, to accept such terms as the Directory may choose to grant. The fate of this monarch, whose good faith was so loudly extolled in a late debate, who was termed the very pattern of fidelity, most forcibly and unequivocally demonstrates that in proportion as every ally of this country, in the present contest, has been a pattern of fidelity, he has also been an example of misfortune. The Empress of Russia has indeed suffered nothing. It is impossible not to see that her only object in the alliance was to plunder Poland, in which she has been collaterally supported by England. This is a mortal blow to another professed object of the war—the balance of power. Will any man believe that the avowed object of the partition, the destruction of Jacobinism in Poland, was the real cause of dividing that unfortunate country ? And will any man contend that

England and France united, might not have prevented that transaction, and by that means preserved the balance of power in Europe? But Poland was abandoned to its fate, suffered to be sacrificed, annihilated, destroyed, for the sake of those absurd and vicious principles which govern the policy of Ministers, and which have involved us in the present war. These principles must now be deserted. If the country is to be saved, we must retrace our steps; that is the only course which presents any hope of an effectual cure for the evil. All other remedies are mere palliatives, which must rather prove mischievous than useful. What I recommend, therefore, is a complete change of system." Mr. Fox concluded a speech which lasted nearly four hours by moving,

"That an humble address be presented to his Majesty, most humbly to offer to his royal consideration that judgment which his faithful Commons have formed, and now deem it their duty to declare, concerning the conduct of his Ministers in the commencement and during the progress of the present unfortunate war. As long as it was possible for us to doubt from what source the national distresses had arisen, we have, in times of difficulty and peril, thought ourselves bound to strengthen his Majesty's Government, for the protection of his subjects, by our confidence and support: but our duties, as his Majesty's counsellors, and as the representatives of his people, will no longer permit us to dissemble our deliberate and determined opinion, that the distress, difficulty, and peril, to which this country is now subjected, have arisen from the misconduct of the King's Ministers; and are likely to subsist, and to increase, as long as the same principles which have hitherto guided these Ministers, shall continue to prevail in the counsels of Great Britain.

"It is painful to us to remind his Majesty of the situation of his dominions at the beginning of this war, and of the high degree of prosperity to which the skill and industry of his subjects had, under the safeguard of a free constitution, raised the British empire, since it can only fill his mind with the melancholy recollection of prosperity abused, and of opportunities of securing permanent advantages wantonly rejected. Nor shall we presume to wound his Majesty's benevolence by dwelling on the fortunate consequences which might have arisen from the mediation of Great Britain between the powers then at war, which might have ensured the permanence of our prosperity, while it preserved all Europe from the calamities which it has since endured; a mediation which this kingdom was so well fitted to carry on with vigour and dignity by its power, its character, and the nature of its government, happily removed at an equal distance from the contending extremes of licentiousness and tyranny.

"From this neutral and impartial system of policy, his Majesty's Ministers were induced to depart, by certain measures of the French Government, of which they complained as injurious and hostile to this country. With what justice these complaints were made, we are not now called upon to determine, since it cannot be pretended that the measures of France were of such a nature as to preclude the possibility of adjustment by negotiation; and it is impossible to deny that the power which shuts up the channel of accommodation must ever be the real aggressor in war. To reject negotiation is to determine on hostilities; and whatever may have been the nature of the points in question between us and France, we cannot but pronounce the refusal of such an authorized communication with that country, as might have amicably terminated the dispute, to be the true and immediate cause of the rupture which followed, nor can we forbear to remark, that the pretences under which his Majesty's Ministers then haughtily refused such authorized communication, have been sufficiently exposed by their own conduct, in since submitting to a similar intercourse with the same government.

"The misguided policy, which thus rendered the war inevitable, appears to have actuated the Ministers in their determination to continue it at all hazards. At the same time we cannot but observe that the obstinacy with which they have adhered to their desperate system is not more remarkable than their versatility in the pretexts upon which they have justified it. At one period the strength, at another the weakness, of the enemy, have been urged as motives for continuing the war: the successes as well as defeats of the allies have contributed only to prolong the contest; and hope and despair have equally served to involve us still deeper in the horrors of war, and to entail upon us an endless train of calamities.

"After the original, professed, objects had been obtained, by the expulsion of the French armies from the territories of Holland and the Austrian Netherlands, we find his Majesty's Ministers influenced either by arrogance or by infatuated ambition and vain hope of conquests, which, if realized, could never compensate to the nation for the blood and treasure by which they must be obtained: rejecting, unheard, the overtures made by the executive council of France, at a period when the circumstances were so eminently favourable to his Majesty and his allies, that there is every reason to suppose that a negotiation, commenced at such a juncture, must have terminated in an honourable and advantageous peace. To the prospects arising from such an opportunity they preferred a blind and obstinate perseverance in a war which could scarce have any remaining object but the unjustifiable purpose of imposing upon France a government disapproved of by the inhabitants of that country. And such was the infatuation of these Ministers, that, far from being able to frame a wise and comprehensive system of policy, they even rejected the few advantages that belonged to their own unfortunate scheme. The general existence of a design to interpose in the internal government of France was too manifest not to rouse into active hostility the national zeal of that people; but their particular projects were too equivocal to attract the confidence, or procure the co-operation, of those Frenchmen who were disaffected to the then government of their country. The nature of these plans was too clear not to provoke formidable enemies, but their extent was too ambiguous to conciliate useful friends.

"We beg leave further to represent to your Majesty that, at subsequent periods, your Ministers have suffered the most favourable opportunities to escape of obtaining an honourable and advantageous pacification: they did not avail themselves, as it was their duty to have done, of the unbroken strength of the great confederacy which had been formed against France, for the purpose of giving effect to overtures for negotiation: they saw the secession of several powerful states from that confederacy; they suffered it to dissolve without an effort for the attainment of a general pacification: they loaded their country with the odium of having engaged with the most questionable views, without availing themselves of that combination for procuring favourable conditions of peace. That, from this fatal neglect, the progress of hostilities has only served to establish the evils which might certainly have been avoided by negotiation, but which are now confirmed by the events of the war. We have felt that the unjustifiable and impracticable attempts to establish royalty in France, by force, has only proved fatal to its unfortunate supporters. We have seen, with regret, the subjugation of Holland and the aggrandizement of the French republic; and we have to lament the alteration in the state of Europe, not only from the successes of the French, but from the formidable acquisition of some of the allied powers on the side of Poland; acquisitions alarming from their magnitude, but still more so from the manner in which they have been made: so fatally has this war operated to destroy, in every part of Europe, that balance of power for the support of which it was undertaken, and to extend those evils which it was its professed object to avert.

"Most cordially, therefore, did we assure his Majesty, that his faithful Commons heard with the sincerest satisfaction, his Majesty's most gracious message of the 8th of December, wherein his Majesty acquaints them that the crisis, which was depending at the commencement of the present session, had led to such an order of things as would induce his Majesty to meet any disposition to negotiation on the part of the enemy, with an earnest desire to give it the fullest and speediest effect, and to conclude a general treaty of peace whenever it could be effected on just and suitable terms for himself and his allies. That from this gracious communication they were led to hope for a speedy termination to this most disastrous contest; but that, with surprise and sorrow, they have now reason to apprehend that three months were suffered to elapse before any steps were taken towards a negotiation, or any overtures made by his Majesty's servants.

"With equal surprise and concern they have observed, when a fair and open conduct was so peculiarly incumbent on his Majesty's Ministers, considering the prejudices and suspicions which their previous conduct must have excited in the minds of the French, that, instead of acting in that open and manly manner which became the wisdom, the character, and dignity of the British nation, they adopted a mode of proceeding calculated rather to excite suspicion than to inspire confidence in the enemy. Every expression which might be construed into an acknowledgment of the French republic, or even an allusion to its forms, was studiously avoided; and the Minister, through whom this overture was made, was, in a most unprecedented manner, instructed to declare that he had no authority to enter into any negotiation or discussion relative to the objects of the proposed treaty.

"That it is with pain we reflect that the alacrity of his Majesty's Ministers in apparently breaking off this negotiation, as well as the strange and unusual manner in which it was announced to the ministers of the various powers of Europe, affords a very unfavourable comment on their reluctance in entering upon it, and is calculated to make the most injurious impression respecting their sincerity, on the people of France.

"On a review of so many instances of gross and flagrant misconduct, proceeding from the same pernicious principles, and directed with incorrigible obstinacy to the same mischievous ends, we deem ourselves bound in duty to his Majesty and to our constituents, to declare that we see no rational hope of redeeming the affairs of the kingdom, but by the adoption of a system radically and fundamentally different from that which has produced our present calamities.

"Until his Majesty's Ministers shall, from a real conviction of past errors, appear inclined to regulate their conduct upon such a system, we can neither give any credit to the sincerity of their professions of a wish for peace, nor repose any confidence in their capacity for conducting a negotiation to a prosperous issue. Odious as they are to an enemy, who must still believe them secretly to cherish those unprincipled and chimerical projects, which they have been compelled in public to disavow, contemptible in the eyes of all Europe, from the display of insincerity and incapacity which has marked their conduct, our only hopes rest on his Majesty's royal wisdom and unquestioned affection for his people, that he will be graciously pleased to adopt maxims of policy more suited to the circumstances of the times than those by which his Ministers appear to have been governed, and to direct his servants to take measures which, by differing essentially, as well in their tendency as in the principle upon which they are founded, from those which have hitherto marked their conduct, may give this country some reasonable hope, at no very distant period, of the establishment of a peace, suitable to the interests of Great Britain, and likely to preserve the tranquillity of Europe."

Mr. Pitt answered Mr. Fox at great length; and after a short reply from Mr. Fox, the House divided. Yeas, 42; Noes, 216. The motion for an address was therefore lost.

King's Message respecting the Rupture of the Negotiation for Peace with France.

In the autumn of the year 1796, the successes of the Archduke Charles over Jourdan, appeared to the British Government to afford a favourable opportunity for renewing their attempts to effect a peace with France. Lord Grenville, therefore, on the 6th of September, 1796, forwarded a note, through Comte de Wedel Jarlsberg, the Danish Minister at the Court of London, to M. Koenemann, the Danish Minister at Paris, expressing the desire of his Britannic Majesty to conclude a peace on just and honourable terms, and his willingness to omit nothing which might contribute to this object; and stating, that with this view he had thought proper to avail himself of the confidential intervention of the ministers of a neutral power to demand of the Executive Directory passports for a person of confidence whom his Majesty would send to Paris with a commission to discuss, with the Government there, all the most proper means to produce so desirable an end. In reply to this communication, the Executive Directory ordered M. Delacroix, the Minister for Foreign Affairs, to express himself to M. Koenemann, verbally to this effect, "That the Executive Directory of the French republic would not, for the future, receive or answer any confidential overtures or papers, transmitted through any intermediate channel, from the enemies of the republic; but that if they would send persons furnished with full powers and official papers, these might, upon the frontiers, demand the passports necessary for proceeding to Paris." Upon this, Lord Grenville addressed a note to M. Delacroix, declaring that as soon as the Executive Directory transmitted the necessary passports, of which he then renewed the demand, his Britannic Majesty would send a person to Paris furnished with full power, and official instructions to negotiate with the Executive Directory on the means of terminating the war by a just and honourable peace, calculated to restore general tranquillity to Europe. M. Delacroix was then charged by the Directory to transmit to Lord Grenville the necessary passports for a minister plenipotentiary to treat for peace; and Lord Malmesbury was sent to Paris in that capacity, in October, 1796.

In a short memorial presented by Lord Malmesbury, at his first interview with M. Delacroix, on the 24th of October, his lordship adopted the principle of a restitution of conquests, as the general basis of a negotiation for peace: Great Britain offered to make compensation to France, by proportionable restitutions, for those territories which she might now be called upon to yield up to the allies. This proposition on the part of Great Britain was liberal, as, during the war, she had taken from France colonies of great value and importance; while, on the other hand, France had made no capture of any of the possessions of Great Britain.

To this overture, the Executive Directory replied that, if Lord Malmesbury would have agreed to treat separately, as he was formerly authorized by the terms of his credentials, the negotiations might have been considerably abridged; that the necessity of balancing with the interests of the two powers those of the allies of Great Britain multiplied the combinations, increased the difficulties, tended to the formation of a congress, the forms of which, it was known, were always tardy, and required the accession of powers which hitherto had shown no desire of accommodation, and had not given to Lord Malmesbury himself, according to his own declaration, any power to stipulate for them. Nevertheless, the Executive Directory declared that, animated with an ardent desire of putting a stop to the scourge of war, and to prove that they would not reject any means of reconciliation, as soon as Lord Malmesbury should exhibit to the Minister for Foreign Affairs sufficient powers, from the allies of Great Britain, for stipulating for their respective interests, accompanied by a promise on their parts to subscribe to whatever should be concluded in their names, they would hasten to give an answer to the specific propositions which should be submitted to them, and that the difficulties should be removed, as far as might be consistent with the safety and dignity of the French republic. Lord Malmesbury then said that, the British Court had expressly enjoined him to listen to no proposal tending to separate the interests of Great Britain from those of its allies, and demanded a frank and precise explanation of the intentions of the Directory as to the proposed principle of negotiation. In answer, the British Minister was called upon "to point out, without the smallest delay, and expressly, the objects of reciprocal compensation" which he intended to propose. Lord Malmesbury objected to designate the objects of reciprocal compensation before the general acceptation of the principle of proportionable restitution, or the proposal, on the part of the Directory, of some other principle which might equally serve as the basis of a negotiation. After some delay, M. Delacroix said he had already, in his communications with Lord Malmesbury, acknowledged the principle of compensation; but that in order to remove every pretext for further discussion on that point, he, in the name of the Executive Directory, now made a formal and positive declaration of such acknowledgment; and he again invited Lord Malmesbury to designate without delay, and expressly, the objects of reciprocal compensation which he had to propose. The preliminary principle being at length agreed upon, Lord Malmesbury made a specific statement of the proposals of the British Court. But these did not meet the views of the Directory; and M. Delacroix was ordered to state that they would listen to no proposals contrary to the constitution, the laws, and the treaties which bound the republic. Notice was, at the same time, given to Lord Malmesbury to depart from Paris within eight-and-forty hours, with all the persons who had accompanied and followed him, and to quit, as expeditiously as possible, the territories of the republic.*

December 30. On the 26th of December, Mr. Secretary Dundas presented a message from his Majesty, acquainting the House with the rupture of the negotiation for peace with France. On the following day, Mr. Pitt, after entering into an elaborate defence of the conduct of his Majesty's Ministers during the progress of the negotiation, moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious message; and for having been pleased to lay before the House the papers which have been exchanged in the course of the late discussion, and the account transmitted to his Majesty of its final result:—to assure his Majesty, that we cannot but deeply participate in the concern which his Majesty (from his constant regard to the interest of his subjects) naturally feels in the disappointment of his earnest endeavours to effect the restoration of peace, and in the abrupt determination, on the part of the French Government, of the negotiation in which his Majesty was engaged: but that it affords us the greatest consolation, and the utmost incitement to our zeal and perseverance, to observe the abundant proofs that his Majesty's conduct has been guided by a sincere desire to effect the restoration of general peace, and to provide for the permanent interests of his kingdoms, and for the general security of Europe; while his enemies have advanced pretensions, at once inconsistent with those objects, unsupported even on the grounds on which they were professed to rest, and repugnant both to the system established by repeated treaties, and to the principles and practice which have hitherto regulated the intercourse of independent nations:—that, in this situation, persuaded that the present continuance of the calamities of war can be imputed only to the unjust and exorbitant views of his Majesty's enemies, and looking forward, with anxiety, to the moment when they may be disposed to act on different principles, we feel it incumbent on us to afford his Majesty the most firm and zealous support in such measures as may be most likely to bring this great contest to a safe and honourable issue; and we place the fullest reliance, under the protection of Providence, on his Majesty's vigilant concern for the interests of his subjects, on the tried valour of his forces by sea and land, and on the zeal, public spirit, and resources of these kingdoms, which can never be called forth under circumstances more important to their permanent welfare, and to the general security and interests of Europe."—Mr. Erskine commenced a most eloquent reply to the Chancellor of the Exchequer, but was suddenly obliged to sit down, in consequence of indisposition. Upon this

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* See Official Correspondence, published by the British Government, relative to the negotiation for peace between the French Republic and Great Britain, Debrett's State Papers, vol. v. pp. 169—216.

Mr. Fox rose and said:—" Sorry, indeed, am I on account of my honourable and learned friend, whose indisposition has suddenly compelled him to sit down; sorry for the sake of the House, whose information, from the train of argument which he had adopted, has been thus unpleasantly interrupted; and sorry for the cause of peace and Great Britain, which Ministers, by their imprudent counsels and infatuated policy, seem determined to push to the last verge of ruin, that I am thus unexpectedly called upon to address the House on the present occasion. I feel it, however, incumbent on me to step forward, knowing that my opinion on the subject entirely coincides with that of my honourable and learned friend who has just sat down, but lamenting, that in consequence of his indisposition, the argument on this momentous question must considerably suffer from the want of that ability with which it would have been enforced by superior powers. I need not state, that the business before us is of the utmost importance, that the occasion is such, as, though we may not think it necessary to contemplate it with despair, we cannot survey but with the most serious considerations, and with feelings of the deepest regret. After a war of four years, which is stated to have been attended with many occurrences highly honourable and advantageous to the British arms, and to have been accompanied with no disgrace, after the immense expenditure incurred in the prosecution of hostilities, an expenditure, which undoubtedly has been greatly aggravated by the extravagance of those concerned in superintending the plan of operations, after an addition of no less than two hundred millions to the national debt, and of nine millions to the permanent taxes of the country; after an enormous effusion of human blood; after an incalculable addition to the sum of human wretchedness, so far are we from having gained any point or any object for which we set out in the war, so far are we from having achieved any advantage, that the Minister has this night come forward in a most elaborate speech, and has endeavoured to prove, that the only effect has been, that the enemy have become more unreasonable than ever in their pretensions, and that all hopes of peace are removed to a still greater distance. We are now not allowed to hope for the restoration of peace, unless some change is wrought by the events of war. And at what period is this prospect brought forward? After a war of four years, which so far from having produced any favourable change in the disposition of the enemy, if we may trust to the representations of the right honourable gentleman, has only served to increase the insolence of their style, and the exorbitance of their pretensions. The same necessity is still stated to exist for the continuance of the war.

" It would, Sir, have been some consolation, if after the right honourable gentleman had stated at such length, and with such an elaborate display of eloquence, the exorbitant pretensions of the enemy, he had suggested some means of reducing them. But, good God, how striking is the contrast! In this speech of three hours, I find only one solitary sentence which is at all calculated to afford any hope of a satisfactory issue to the present unfortunate contest. And of what materials does the remainder of the speech consist? It is merely a revival of opinions by which we have been led on from year to year, and by which we have found ourselves constantly deluded. We are left in the same hopeless state with respect to the attainment of the object of the contest. The right honourable gentleman says, that he formerly gave a representation of the deplorable state of the French finances from uncertain documents, but that he is now enabled to confirm the same representation from the most indubitable authority—the statement of the Directory. I am apt to believe that the documents of the right honourable gentleman in both instances are equally authoritative. Formerly he proceeded on the speeches of leading members of the Convention, and on official reports. He now grounded his statement on a publication of the Directory. If his authority has failed him in former instances, what force can he now attach to conclusions drawn from similar premises? It has been found from experience, that in proportion as the finances of the French have been acknowledged, even by themselves, to be reduced to the lowest ebb, in the same proportion have their exertions been wonderful and unparalleled.

Now the right honourable gentleman builds his conclusion of the certain ruin of the French finances on an immediate statement from the Directory. I wonder that he does not go further, and quote the very ingenious letter of Lord Malmesbury, in which he reports the conversation that took place between him and M. Delacroix. In this conversation the French Minister is represented as having paid the highest compliments to the extensive means possessed by this country, as having described it from its internal sources of wealth, and from its colonies in the Indies, to be the mistress of almost boundless resources. Thus, while the Directory admit that Great Britain is distinguished by her wealth, and full of resources, they have no hesitation to acknowledge their own poverty and embarrassments. They acknowledge to all Europe, that from the want of money, the army is considerably in arrears, and every branch of the internal administration under circumstances of the greatest embarrassment and distress. They at the same time allow to this country all the advantages of an augmented commerce, and of increasing opulence and prosperity. In this House we have heard France represented as sometimes in the gulph, and sometimes on the verge of bankruptcy; and it is rather curious, that at different periods we should have heard it alternately described at one time as in the very gulph, and at another as on the verge of bankruptcy. But, while they admit the ruined state of their own finances, what a striking contrast do their exertions in their present contest, and the success which has followed from their operations, afford to the conduct and fate of those who have been entrusted with the management of the war on the part of this country! Whilst we, in every quarter which it was deemed most important to defend, have been losing city after city; whilst we have been equally driven from the possessions which we conceived to be necessary to the security of our commerce, or to the balance of power, France, resourceless and dispirited, all the while avowing her own distressed situation with respect to finance, and talking in the most respectful terms of our wealth and resources, has been constantly adding to her acquisitions, and aggrandizing her empire. France appears, in the present moment, as the conqueror of most extensive and important territories. Belgium is annexed to her empire, great part of Italy has yielded to the force of her arms, and Holland is now united to the fate of the republic by ties of the strictest alliance. If, indeed, these acquisitions could be regained to the cause of Great Britain and her allies by a lofty tone of argument, if the tide of victory could be turned by the dexterity of debate, and the efficacy of our exertions bore any proportion to the insolence of our boasting, we need not yet be afraid to claim a decided superiority. We are not at all deficient on the score of confident assertion or presumptuous menace.

"But, Sir, it is by other means and by another criterion that this question is to be decided. Weak and inconsiderable as I am in this House, I did my utmost, previous to the commencement of this unfortunate contest, to persuade the Government to send an ambassador to Paris, when undoubtedly he would have met with the treatment which an ambassador of Great Britain is now alleged to have experienced. But when Ministers tell us that this ambassador was dismissed in a way unexampled in the history of civilized nations, they surely must have forgotten the manner in which M. Chauvelin was sent from this country. At a subsequent period, when the whole of Belgium was regained, when the French were not possessed of one foot of ground in that territory, did I then neglect my duty to the country? No! I then renewed my motion for peace. This was at the period before the powers combined against France had gained the fortress of Valenciennes; but when it was certain that it must fall, I contended that then was the period to make peace. And I now ask, if an attempt had been then made to negotiate, whether we might not have expected to have obtained peace on terms as honourable and as advantageous as any which we can now possibly lay claim to? Again and again have I pressed upon the House the necessity and policy of adopting measures for the restoration of peace, and again and again have my motions for that purpose been rejected. In order to show how greatly Ministers miscalculated the nature of the contest at that former period when I argued for peace, it was said, 'What, make peace before you have achieved a single contest, and when you are just beginning to make advances in the country of the enemy!' Such, at that time, was the style of reasoning brought forward in opposition to the arguments which I urged in favour of peace. So widely were Ministers then deceived with respect to the nature of the contest, so falsely did they calculate as to the turn of subsequent events! Unhappy calculation! Unhappy mistake! The object did not respect a particular branch of trade, or a limited extent of territory: the most important interests of the country were at stake. The Ministers, by their calculations, were not pledging Jamaica, or any island of the West Indies; they were pledging Great Britain herself, the fate of which may in some degree be considered as depending on the issue of this night's debate. The right honourable gentleman, formerly, in talking of the nature of the contest, made use of a memorable expression, which cannot easily be forgotten. He intimated that the nature of the contest was such, that our exertions ought to be bounded only by our resources, and that our efforts must be extended to the utmost pitch, before we could hope for an honourable termination of the struggle. He expressly declared that we ought not to cease from the contest till we should be able to say,

'Potuit quæ plurima virtus
Esse, fuit; toto certatum est corpore regni.'

" The right honourable gentleman has stated the difficulties attendant upon the negotiation as arising from two circumstances; first, the difficulty in all cases of proposing overtures, without being able to ascertain what reception they are likely to experience; secondly, the particular obstacles from the relative situation of the two countries. The right honourable gentleman has, however, omitted to state a difficulty more weighty and insuperable than either of those I have now mentioned. In every negotiation the difficulty of coming to any definite arrangement must be infinitely increased in proportion to the degree of distrust entertained by the parties with respect to their mutual intentions. If the right honourable gentleman had some reason to suspect the sincerity of the French Directory, had not they at least equal ground to entertain the same doubts with respect to his views in the negotiation? After every epithet of reproach had been exhausted by Ministers to vilify their characters, was it to be expected that they would readily listen to terms of peace dictated by those Ministers, except they were brought into that state of necessity and submission which precluded them from any alternative, and compelled them to an unconditional compliance with any pacific proposition that might be presented to their acceptance? When Lord Malmesbury, in addressing the French minister, so often brings forward his profession of high consideration, I cannot but smile, when I recollect that Lord Auckland was made a peer (for I know of no other reason for his advancement to that dignity) merely because he declared that the men who are now addressed in such respectful terms 'ought to be put under the sword of the law,' and because he denounced them as miscreants and traitors to all Europe.* His lordship, by this declaration, brought forward in a public capacity, showed that he, acting on the part of Great Britain, was not slow to be their executioner and their judge.

"Sir, there is one part of the address which the right honourable gentleman has entirely omitted to notice, and to which I can by no means subscribe—that his majesty has neglected no proper opportunity to conclude this war. A few years ago, when I earnestly pressed the propriety of negotiation, the right honourable gentleman contended that the French were not capable of maintaining the relations of peace and amity. He neither, however, at that time, nor at any subsequent period, showed any reason why they were not capable of maintaining those relations. I ask in what respect they are now become more capable of maintaining those relations than when I formerly proposed to treat? Will the right honourable gentleman say that then there was only a provisional government, and that there now exists a permanent constitution? I am sure that he will not venture to press that argument, as he must be aware of the extent to which it will lead him. And if such be the case, I have no hesitation to state, that the assertion in the address that no proper opportunity has been omitted to conclude peace, is entirely false, and as such must meet my decided negative. At last, however, the right honourable gentleman declares that he felt it his duty to attempt negotiation. I did not think it my duty to come forward to animadvert either on the motives of his conduct, or on the probable result of the measure, till the event had spoken for itself. The result has proved to be such as, however anxiously we may be disposed to deprecate it, it was not difficult to foresee from the mode in which it has been conducted. If the country, indeed, consider the administration of the right honourable gentleman to be a blessing, they must take their choice between the continuance of that blessing and the restoration of peace. It is evident that those individuals who have conducted the war with such notorious incapacity, and entailed so many mischiefs on the country, must of all others be the most unfit to repair the errors of their own policy, and secure to Great Britain the enjoyment of permanent tranquillity. But not only have they evinced this glaring incapacity in the management of the present war; their conduct in former negotiations with respect to Spain and Russia has been such as on the one hand to excite considerable distrust, and on the other to inspire a well-grounded hope of bringing them down from the loftiest pretensions to the most humiliating concessions. But what can be thought of their sincerity in the present instance, when they have repeatedly declared that any peace under the particular circumstances could only afford a breathing space from hostility, and ultimately must tend to redouble all the mischiefs to be dreaded from a continuance of the war? But even if Ministers had conducted the war with ability as distinguished as their incapacity has been notorious, if they had displayed in debate as much temper and prudence as they have discovered impolitic and indecent violence, if they had shown themselves as much friends to the French as on every occasion they have endeavoured to prove themselves the reverse; still I should have no hopes of peace on any permanent basis, except the present system of policy was entirely changed, and the principles upon which the war was undertaken totally disavowed. If the administration were to be transferred into the hands of persons whose abilities I admire, and whose integrity I respect, as much as I contemn and reprobate the talents and character of those who are now placed at the helm of affairs, still I should consider this change of system and disavowal of principles to be a necessary preliminary of peace. It is necessary, Sir, for the solidity of any peace that may be concluded, that maxims of sound sense and of impartial equity be recognised in the outset of the negotiation. The present has been a war of passion and of prejudice, and not of policy and self-defence. The right honourable gentleman, whatever may have been his sincerity in the transaction, is no stranger to the advantages that may be derived from the idea of a pending negotiation. That he now feels those advantages nobody will dispute. I know that some weeks ago a very confident report was circulated with respect to the probability of peace. It would be curious to know how far Lord Malmesbury at that period was influenced by any such belief. It does not appear from the papers on the table that at the moment he could reasonably hope for a successful issue to his negotiation. It seems doubtful, indeed, from the inspection of those papers, whether Lord Malmesbury was not sent over merely to show his diplomatic dexterity; to fence and parry with M. Delacroix, in order to evince his superior skill and adroitness in the management of argument and the arts of political finesse; to confound the shallow capacity and superficial reasoning of the French minister, and to make the cause of this country appear to be the better cause. While Lord Malmesbury was employed thus honourably in the display of his talents at Paris, the Minister had an object of policy to answer at home. It was found convenient for the purpose of financial arrangements to hold out the hopes of peace, till such time as it was found that the appearance of negotiation might be renounced without any unfavourable effect as to the supplies of the year.

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* See Debrett's State Papers, vol. i. p. 272.

"But, in order more completely to ascertain the sincerity which has been shown by Ministers in the desire which they have expressed for peace, and the fairness of the means which they have employed for the attainment of that object, it may be necessary to enter a little more minutely into the history of the negotiation, and to follow the right honourable gentleman through the long detail which he has brought forward on the subject, and which was sufficiently laboured to prove that he was aware of all the difficulties with which he had to contend in vindicating the character of the British Government, and of the necessity of putting the most favourable gloss upon their conduct. The first step taken for the purpose of negotiation was the communication at Basle, in which Mr. Wickham had been engaged as the agent of the British Government. As he was not authorized to take any definitive step, or to make any declaration binding on the Government, but little stress could be laid on that circumstance. Those, however, who attended to the details of that transaction, would not be disposed, even in that early stage of the business, to draw any inference very favourable to the sincerity of Ministers. The mission of Lord Malmesbury is unquestionably what Ministers wish to be considered as the grand effort for peace, and as affording an unequivocal proof of the sincerity of their wishes for its attainment. Of the details of that negotiation we are enabled to judge from the papers which have been laid upon the table of this House. Until the publication of his Majesty's manifesto on the subject, I was only acquainted with the circumstances of that transaction from the statement of the public prints. I was not a little surprised when the manifesto reached me in the country; and, from the perusal of its contents, was induced to suspect that I must have been completely misled in my previous information. On the inspection, however, of the papers laid on your table, I was still more surprised when I found that the public prints were much more accurate in their representation of facts than his Majesty's declaration. Never, indeed, was there any paper brought forward with the stamp of official authority so little connected with the documents upon which it is professed to be founded —so little warranted in the conclusions drawn from its premises. It entirely conceals the most important facts of the negotiation, and states the others so loosely as not to exhibit them in any precise and distinct shape. The right honourable gentleman has stated, that a degree of disrespect was in the first instance shown to a foreign court by the French Directory, in their refusal to grant a passport for a British ambassador, upon the application of the minister from the Court of Denmark. But how does this fact stand? The Court of Denmark did not at all interfere in the business. The Danish minister, in the letter in which he applied for a passport, expressly stated, that he acted merely in a private capacity, and not in consequence of any instruction which he had received from his court. So much, then, for the alleged disrespect shown by the French to a foreign court, and the inference which is thence drawn of a disposition thus manifested to throw contempt on all established usages, and to dispense with the ordinary forms of accommodation and the understood civilities of political intercourse.

"I understand that, as an apology for bringing forward the manifesto previous to the publication of the papers, much has been said of the mechanical labour of preparing those papers for the inspection of the House. I have formerly been in office, and I believe that those who are now engaged in the service of the department are fully as capable and diligent as the persons by whom I was then assisted. And I confidently declare, that I see nothing in the mechanical labour of those papers that, if they had arrived on Saturday morning, ought to have prevented them from being in a state of readiness to be produced on Saturday evening. But I rather suspect, that with regard to the publication of the manifesto, it was thought expedient to attempt to give a bias to the sentiments of the House before it was deemed advisable to submit the facts contained in the papers to their cool and sober investigation. As to the delay which has been imputed on the score of mechanical labour, I am rather disposed to believe that it was purposely interposed, in order to afford to Ministers an opportunity of revising the papers, and of deciding what part of their contents it might be prudent to suppress, and what might be safely submitted to the public eye. It is curious to attend to the nature of the powers with which Lord Malmesbury was furnished, and to their connexion with the object of his mission. He was sent in order to negotiate for peace, and furnished with full powers to conclude; but though he was thus authorized to conclude, he was allowed no latitude to treat. He had no instructions with respect to the terms he should propose, and no discretion upon which to act with respect to the propositions he might receive. When he was asked, if he came to treat for the King of Great Britain separately, he said, No; but that he came jointly to treat for the King of Great Britain and his allies. When he was asked, if he was furnished with any powers from those allies, he again replied, No. When he was asked, what terms he had to propose; he said, he would send for instructions. Thus it appeared, that he was empowered to conclude for the King of Great Britain, but not qualified to treat; and that for the allies for whom he came to treat, he had no power to conclude. Could there possibly be a more ridiculous farce—a more palpable mockery of the forms of negotiation?

"We next come to the basis; and this, indeed, carries us but a little way in the progress of negotiation. In this instance, the basis was laid so wide as to comprehend no distinct object, and to be reducible to no precise meaning. It was that sort of general principle which no one could possibly dispute, but which could at the same time be attended with no practical benefit. The French accordingly stated, that they had agreed to your principle, and that they only disputed its application. The right honourable gentleman has asserted, that a basis is always desirable ; but, then, it ought to be a basis which meant something, and not, as in the present instance, which meant nothing. The principle of mutual compensations is substantially recognised in every negotiation, and did not require to be specified. The general objects of dispute in fixing a basis of negotiation have been, whether it should be regulated by the *status quo ante bellum*, or the *uti possidetis ?* The right honourable gentleman stated, as a proof of reluctance to negotiate on the part of the French, that they for some time hesitated to admit our proposed basis; but, in fact, they virtually recognised the principle when they entered into the discussion of terms. He who asks, what you will give, or states what he is willing to receive, at once admits the basis of mutual compensation. But as a proof of the consistency of Ministers, a fortnight afterwards, when the French formally recognised the principle, and asked Lord Malmesbury, what terms he was prepared to propose ; he was unprovided with any answer, and obliged to send to this country for instructions. What inference is to be drawn from this conduct on the part of Ministers ? Is it not most probable, that by thus bringing forward a futile, illusory, and unmeaning basis, they expected to disgust the French in the first instance, and at once to get rid of the negotiation ? And if the French, who must have felt themselves mocked by this treatment, and who must have been more and more assured of the insincerity of our Ministers, had thought proper to stop all further proceedings, would they not have been fully justified ? On what principle were they bound to countenance a transaction which was conducted with no good faith, and could promise no satisfactory issue ? Undoubtedly, Ministers expected that the French would resent the insult, and break off the negotiation in its outset. They thus hoped to obtain an easy credit for their pacific intentions, and to throw upon the enemy the odium of determined hostility and an unreasonable rejection of the preliminary basis of negotiation. Unfortunately, however, for this project, the basis was recognised. The disappointment of Ministers was evident. Lord Malmesbury was unprepared how to act, and obliged to send home for further instructions. The question with Ministers then became, 'Since the French have so ungraciously and unexpectedly accepted the basis which we intended to be rejected, what can we find that they must be indispensably called upon to refuse ? What terms of insult and humiliation can we find that may rouse their pride, and inevitably provoke rejection ?' Lord Malmesbury, who before had no terms to propose, was now instructed to bring forward terms for the purpose of being rejected ; and care was taken that they should be of such a nature as that they could not undergo much discussion, or readily fail of their purpose.

" I come now, Sir, to consider what was said by the right honourable gentleman with respect to the particular terms. In commencing this part of his speech, he thought some apology necessary for the sort of terms which had been proposed by Lord Malmesbury on the part of this country. He stated, that it was always usual to be somewhat high in our demands in the first instance; that propositions at the commencement of a negotiation were never considered as decisive; and that, in the progress of treating, we might relax from our original demands as circumstances should render expedient. But was the right honourable gentleman so unfit for the situation which he held, so ill qualified to judge of the conduct which was proper for those times, as seriously to maintain this argument? Did he not recollect, that, from what he had himself stated, negotiation itself might be considered as made upon a hostile principle? He had described it as a negotiation, the unsuccessful result of which must tend to divide France and to unite Great Britain, which must give indubitable confirmation to the justice of our cause, and add double energy to our future efforts. In this situation, and with this particular view, what wise man would have looked to the last precedent of negotiation in order to regulate his conduct, and have conceived it necessary to proceed with all the tediousness of forms and dexterity of diplomatic artifice which might have been employed in any former instance? Instead of carrying your pretensions higher than you might be disposed to accept, you should have gone to the other extreme; you should have stated them at the lowest point of what you deemed to be fair and equitable, and, if anything, have been rather below the mark of what you might fairly claim, than exorbitant and unreasonable in your demands. You would thus have secured the end which the Minister professed to have in view—to render apparent to all Europe the equity and moderation of your own sentiments, and the injustice and ambition of the enemy. Had the French, from a suspicion of your sincerity, been inclined to break off the negotiation in the first stage, they might have said, 'As no basis has been agreed upon, we see that the negotiation can come to no good, and therefore we will stop all further proceedings.' But when they acceded to your basis, and invited you to propose particular terms, it became you to be doubly careful, by the fairness and moderation with which you acted, to demonstrate the equity of your character, and vindicate your sincerity in the eyes of Europe.

"I shall now advert, Sir, to the two confidential memorials. I confess that I never was more struck with the impossibility, even for talents the most splendid, and eloquence the most powerful, to cover the weakness of a cause and supply the deficiency of real argument, than in the instance of what the right honourable gentleman said with respect to Holland. Even if Holland should be restored to its former situation, if the Stadtholder should be reinstated in the government, and the alliance renewed with this country, the right honourable gentleman does not go the length of saying, that even then he would restore to Holland all her former possessions. No; he might then, perhaps, only be disposed to relax in their favour a considerable part of the conditions on which the present state of things obliges him to insist. A right honourable gentleman (Mr. Dundas) some time since made a very imprudent declaration in this House: that as we had taken the Cape of Good Hope and Ceylon, we meant to keep them for ever. We feel ourselves, it seems, too nearly interested in those acquisitions to be disposed to relinquish them. This is reasoning very much *à la Francaise.* We say that it is better even for the Dutch themselves, that Ceylon and the Cape of Good Hope should be in our hands than in theirs. The French may, with equal justice, allege the same pretence for their refusal to part with Belgium. They may say that it is more for the interest of Belgium that it should remain in their hands than that it should be restored to Austria. But if Holland be not in every respect reinstated in her former situation, then, says the right honourable gentleman, we have nothing to propose. It is curious to remark, in the very moment that he is at such pains to represent the demands of the French as in the highest degree exorbitant and unjust, how much he countenances those demands by the style of his own pretensions. He says, 'We have taken a great deal from Holland, they have taken nothing from us, therefore we are not bound in justice and equity to make them any restitution; but if Maestricht, or some place, be ceded to the Emperor for the security of the Austrian Netherlands, we may perhaps be induced to make them some restitution, but on no account can we consent that Ceylon or the Cape of Good Hope shall be restored.' On the same grounds might the French say, 'We have taken a great deal from the Emperor, he has taken nothing from us, we, therefore, are not bound in justice and equity to make him any restitution: we demand that the *uti possidetis* shall be the basis of the negotiation.' What are the specific proposals which you make to the French? You propose to them to give up all their conquests to the Emperor, and to evacuate Italy. The right honourable gentleman has said, that it is a strained geographical supposition, that by this demand with respect to Italy, it should be understood that they are also required to evacuate Savoy and Nice. I know not upon what geographical authority he proceeds, when he affirms that this would be a strained supposition. I always thought that these places had been in no other country but Italy; perhaps I may have been mistaken. You propose to the French to evacuate Italy, to give up the Milanese, Belgium, and Luxemburgh; you demand of them to negotiate the arrangement of peace with Germany, with his imperial Majesty as constitutional head of the empire. And though the French are already at peace with the most considerable Germanic powers, with the King of Prussia, with the Electors of Saxony, Hanover, &c., you thus would place them in a situation in which they would have to begin all these treaties anew. You hint, indeed, that in consequence of this arrangement, which supposes on their part so great a sacrifice, it is not impossible that some cession may be made to them on the Germanic side of their frontiers. And in return for all the sacrifices you require from the French you offer to restore to them Martinique, St. Lucia, Tobago; reserving, however, one of them as an equivalent, if they are to retain St. Domingo.

"The restoration of Belgium is stated as a *sine quâ non;* it has been represented to be of the utmost importance that it should not be suffered to remain in the hands of the French. I should, indeed, regret to see Belgium attached to the territories of the republic; but if you are really sincere in your wishes for peace, if you consider Belgium as an object of so much value, do not offer brass for gold. Let us put the case, that Belgium was still in the hands of the Emperor, how would you treat the offer of two or three West India islands, on the part of the French, in order that it might be given up to them? If you really wished France to give up Belgium you should have offered to give up the Cape of Good Hope, which a determination has been so indiscreetly expressed to retain. I have no hesitation in saying that it ought only to be considered as an instrument to procure the restoration of peace on favourable terms, and that if you could get a proper equivalent, you ought not to keep it. What you now offer is trifling indeed, and if France should comply with your demands, what would be her relative situation with respect to the other powers of Europe? She would, in that case, have given up Belgium, Luxemburgh, and Italy, and further it is required that something should be ceded to the Emperor, in order, as is stated, to render him secure on the side of the Austrian Netherlands. The three great powers of Europe will all of them be left with considerable acquisitions. The King of Prussia has gained a third part of Poland. Russia has obtained a considerable extent of territory from that unfortunate country; and, in addition to his share in the division, it is also proposed that the Emperor of Germany shall be put in possession of Maestricht, or of some other place. France is only to be left with Savoy, Nice, and Avignon. Is the state of the war such as to justify this proposition? Is it fair and equitable that all the other powers should gain more than France? When Great Britain made a proposition so unreasonable, France naturally took a step calculated to give confidence to the people in those countries she had annexed to the republic, by declaring that on no account could she consent to give them up. In the ingenious conference which took place between the British ambassador and the French minister, Lord Malmesbury declared that the King of Great Britain would not recede from his demand with respect to the Netherlands. Must not the French, in consequence of this declaration, have been induced to assume an equally resolute tone with respect to their intention of keeping that territory, when, from the nature of the terms proposed, they perceived no likelihood that peace could be had? As to the French minister having asked Lord Malmesbury to give in his ultimatum, it evidently meant no more than that he should make a formal declaration of what he had said with respect to Belgium; a demand which surely cannot be considered as unreasonable. After having heard this day so much stated of the value of Belgium, and such importance attached to the demand that it should be restored to the Emperor, I cannot but recollect that it is not very long since the people of that country were in a state of rebellion, and that it was surmised at the time that we were by no means averse to support them in their endeavours to shake off the Austrian yoke. But however great the value of Belgium may be, is it an object of such immense consequence as to justify the continuance of a long, a hazardous, and destructive war? Is it worth being contended for at the expense of such blood and treasure? And even if the objects be deemed so valuable as to justify all these sacrifices, there is another question to be considered. If, in addition to that expense and carnage with which the war has already been attended, it be proper to sacrifice a hundred millions more, and a hundred thousand men for its attainment, it ought also to be shown that it is attainable by those means. From the experience of the past, who will pretend to say that a continuance of war and all its calamities will tend ultimately to bring you nearer to your object? It ought, beside, to be recollected that the Emperor, who is your friend to-day, may be your enemy to-morrow. I remember that it is not eight months since the Emperor was not so much a favourite with Ministers; perhaps, indeed, they were cautious in expressing their partiality, lest it should be suspected that money was then going to the court of Vienna. At that time the King of Sardinia was extolled as a pattern of fidelity to all princes: the Emperor seemed to make no figure in the comparison. I do not mean to impute to the Sardinian monarch any breach of faith; circumstances of necessity compelled him to conclude a treaty with the French republic, and we have not heard in what situation he is now to be considered with respect to this country. Ministers have already sent large sums to his imperial Majesty: we are about to make still further advances, and it cannot be calculated that the alliance can be maintained at an expense to the country of less than two millions annually. I mean no reflection on the character of the Emperor; but if we should not be able to grant him the same assistance, he may be reduced to the same necessity as the King of Sardinia, and compelled to conclude a peace. When all these circumstances are considered, together with the sacrifices which must necessarily be incurred in the attempt to wrest Belgium from the French, and the uncertainty of obtaining the object, the Minister, who, on that ground only, shall refuse to make peace, has undoubtedly much to answer for on the score both of policy and humanity.

" And here, Sir, comes the question of the treaty concluded with the Emperor in 1793, by which we engaged not to lay down our arms without his consent. I greatly lamented the conclusion of any such treaty at the time, and then brought forward a motion, that it was the duty of the House not to approve of any engagements that might tend to create obstacles in the way of peace. If we urge the stipulations of a treaty as a reason why we cannot conclude peace but on certain terms, we directly sanction the sort of argument which is represented as so unjustifiable on the part of the French. I certainly am no friend to setting up the constitution of France against the *droit publique* of Europe. But are the French in their arrangements to consider the engagements of our treaties as of greater weight and consequence than we affect to consider theirs? The right honourable gentleman has put the case, that supposing the French constitution decreed that the city of Westminster formed an integral part of the republic, were we bound to respect such a determination? The case may be retorted, that if we by our treaty with the Emperor had stipulated to put him in possession of Paris, with what colour could so ridiculous a stipulation be urged as an obstacle to peace? We had no more right to talk of our treaties, than they of the regulations laid down with respect to their boundaries. If an absurd or impracticable condition is introduced into a treaty, is there not reason to suspect that it has been foisted in merely for the purpose of throwing difficulties in the way of peace?

"The right honourable gentleman has gone at length into the subject of the French constitution. He laid great stress on a remark of M. Delacroix, that it would be impossible to revoke the regulations of the constitution with respect to the boundaries of the republic without convening the primary assemblies. This, which he treated as an exaggeration of the proposition of the French Minister, that it was impossible to give up any part of the territory annexed to the republic, I, on the contrary, consider in the light of an explanation, and as doing away all the offensive part of the principle. For instance, if the Prince of Hesse Darmstadt had applied to me, as a Minister of this country, to conclude with him a subsidiary treaty, if I thought the measure advisable I would have signified my readiness to acquiesce in his application; but at the same time I would have told him that I must first consult the House of Commons, and that without their approbation the constitution declared that it was impossible to dispose of any part of the public money. The same conduct I should have pursued towards the Emperor, in making advances to whom Ministers, during the present session, have thought themselves entitled to dispense with the most valuable privilege of the House of Commons. And when, in this instance, I cited the constitution of this country, it could not be considered as a direct negative on the application, but only as throwing a difficulty in the way of the measure. We are not bound to respect the French constitution; but they, undoubtedly, in the course of negotiation, may fairly urge any ground of difficulty which its regulations present to a compliance with our demands.

"The right honourable gentleman has imputed to the French all the odium and blame of breaking off the negotiation. He says that we are not bound by anything as a *sine quâ non*, for that, in the nature of a negotiation, is impossible until it is concluded. That, Sir, is easily stated in the course of a debate. But whatever the right honourable gentleman may say upon the subject, the world at large, in judging dispassionately upon it, will regard the memorial of Lord Malmesbury as the *sine quâ non* of the court of Great Britain respecting Belgium. You say it may be recovered by force of arms. Good God! what is the probability of that event? What are we to do? What can we do? What security have we that we shall not sink in our prospects upon that event, and that they will not rise in proportion as we sink? Remember the time when Belgium was in possession of the allies, and it was proposed that we should enter upon a negotiation for peace then, and at which time the French would have gladly attended to terms of peace of which they will not now hear. What, in the prosecution of this unhappy contest, are you to look for the further you proceed, but terms still worse than those which you might obtain even now, if you gave proof of sincerity in the negotiation? Consider what your disgrace will be if you fail to recover Belgium, which you have told the world is a *sine quâ non.* Are you prepared for all the hazards that may attend it? If you are, say so at once boldly, and act like men; but do not amuse the people of this country by a delusive pretence, as you did by an amendment which you adopted to get rid of the motion of an honourable friend of mine,* and in which you stated to Europe that you would negotiate with France when her government was capable of maintaining the relations of peace and amity with other powers.† I know that these little tricks and artifices have had their ends. They have often, much too often, been employed to cover the dexterity of a debate; and in some situations they may almost appear harmless; but these little quibbling distinctions are not adapted to the important affairs of which we are now to consider. The Minister, in ordinary cases, shall be welcome on my part to his little triumph in such little artifices: but these are not times to indulge him in them. He is not made for these times of great difficulty. When the fate of a question, comparatively indifferent, is before us, his talents are well adapted to obtain success, which, for my own part, I do not envy him; but when the fate of empires depend upon our proceedings, we should not give way to his vanity. These are the times that require openness and candour, and a determination to look at the posture of our affairs in a bold and undaunted manner. Prevarication, subterfuge, and evasion, will not now do. The plain question now is, peace or war. However the right honourable gentleman may contrive to persuade the majority of this House that his inclinations bend towards peace, I have no doubt but the papers in the interest of Ministers will hold forth to the public that the vigorous prosecution of the war is the only measure which the country has left for its security. Members of this House, when they go into the country, will perhaps hold a different language, and tell their constituents that they do not hold themselves pledged to a continuance of the war. But it will not be believed. The *sine quâ non* with regard to Belgium will overbalance the assertions of members of Parliament. Parliament has not that credit which it once had—Parliament does not deserve to have that credit.

"There is, Sir, a generally prevailing idea that the House cannot get rid of the decision of this day. The question is plainly, peace or war. The proposition of a negotiation was said to be for peace: the present address is evidently for war. It will not be got rid of by any ambiguous shuffling, by way of amendment, as former motions in this House have been. An honourable friend of mine near me (Mr. Grey) some time ago moved a fact. The Minister thought proper to decline it, but he did not dare to do it by a direct negative; he therefore got rid of it by a shuffling amendment. In consequence of the cavils of that day, one hundred millions sterling have been added to the national debt, and half a million of souls have been swept from the face of the earth. If the House shall be of opinion that Belgium is really entitled to be regarded as a *sine quâ non*, that it is an object for which this country ought to continue at war, till it has expended another hundred millions, and shed the blood of half a million more of our fellow-creatures; if the House is of this opinion, it ought openly to declare it. If, on the contrary, the House should think with me, that this country ought not to expend such immense treasures of money and blood to obtain Belgium, in order to restore it to the Emperor, who may, perhaps, in a short time, be no longer our ally; then let them act like men, and by some fair and unequivocal amendment, convince the country that they will no longer be parties to such a dreadful waste of blood and treasure.

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* Mr. Grey.

† See Parl. Hist. vol. xxxi. p. 1193.

"I now come, Sir, to what is said with regard to the breaking off the negotiation, by making Belgium a *sine quâ non.* If it be true that Lord Malmesbury did this, I ask upon what ground it was done? Was the Emperor a party to the negotiation? Here, then, is a *sine quâ non* made in a matter intended solely for the benefit of the Emperor, to which, nevertheless, he is not a party, and which we do not know whether he himself would absolutely insist on or not. Surely this might have been known before the negotiation was entered upon. When we were so often sending such immense sums to the Emperor, millions after millions, surely some person or other employed in those offices might have asked the question. Has any one done so? No. I ask any impartial man, then, if this is not a mere mockery? But, says the right honourable gentleman, with great emphasis, why did not the Directory pass a *contre projet?* To whom should they present it? Was the Emperor a party? No. They had then no one to present it to, for everything contained in our *projet* was for the Emperor's benefit alone. I agree with the right honourable gentleman as to the principle, that a people who come into the power of another people by the chance of war, cannot, by the law of nations, be disposed of lawfully till the definite treaty of peace is concluded; but this is very different from a people who are left at liberty to choose a government for themselves, and who, after such liberty, voluntarily adopt the step of uniting themselves with their neighbours, and those who, perhaps, at one time might have claimed over them the right of conquest.

"Sir, there is one thing very remarkable, that in all this negotiation, where almost every possession of all the parties is taken notice of, one place should never once have been mentioned. The name of the valuable and important island of Corsica never appears in a single instance. Did Ministers say to the people of Corsica when we took that island, You may form a government of your own, and be a free people? Did they offer to leave them to themselves? No; they sent a viceroy. Sir Gilbert Elliott went as a representative of his Majesty, cooked them up a constitution, half French, half English, and endeavoured to detach them entirely from any predilections they might be impressed with in favour of French principles. The French were, and always had been, represented by Ministers and those they employed as a horde of assassins. Suppose the Corsicans had said they chose the King of Great Britain as their king, and had desired, in the strongest terms, to be attached to the British empire as a part of it, and entreated that they might not be given up to this horde of assassins; would you have said, in a negotiation for peace, that Corsica was an object of restoration? I fancy not. May not the French, then, use the same argument with respect to Belgium? On former occasions, when I said that the conquests in the West Indies would be a means of negotiation, the right honourable gentleman started at the idea. He then ridiculed the notion of a *status quo ante bellum;* he particularly alluded to Martinique, which he said was not to be considered like a conquest in former wars; that this island was taken at the particular request of the inhabitants of it, who all desired to be taken into the protection and allegiance, and to become subjects of his Britannic majesty. Martinique was, however, mentioned in this negotiation, and the right honourable gentleman had gone off from his high language.

"The right honourable gentleman has mentioned the breaking off the negotiation as 'a matter of disappointment, but not of despondency or despair.' I certainly am not one of those who despair of the country. I very well know that we are not yet at the end of our resources; but I am certain that we are every day approaching nearer to it. If we had peace at this moment, I have very little doubt but that, with economy in every department, a due regard to the finances, and to the encouragement of the commerce and manufactures of the country, we might still retrieve ourselves from our present difficulties; but if the war is to continue any length of time, God only knows what may be the dreadful consequences! Certain, however, it is, that peace cannot be obtained by a perseverance in the present system. It must be changed. I am not one of those who wish to alter the constitution: I wish only to reform it; to restore the voice of the people to that rank in it which it is entitled to hold; to make the opinion of the Minister nothing; to see that of the people everything. I am told, You wish for a removal of the present Ministers. I for one certainly do. The country, in my opinion, cannot be saved without it. The people must choose. If there are those who love the constitution under which they were born, and not the defacings of it by Ministers, it is time for them to stand forward, and show themselves, and by constitutional means to renovate that constitution, which alone can save them and their posterity from inevitable ruin.

"It has been said, Sir, that the breaking off the negotiation was all owing to the unreasonableness of the enemy. I do not think so. They have taken advantage of the situation in which their great success has placed them. If they should be able to continue their successes; if they should in consequence rise in their demands; there must be great alteration in the conduct of Ministers, or our situation will be deplorable indeed. I cannot here help reflecting on the period of the American war. Able men used then to say, 'It is not our fault; we are not to blame; 'tis all owing to the unreasonableness of the enemy that we do not obtain peace.' Infatuated and self-abused men! They were afterwards, fatally for the interests of this country, convinced of the folly of such arguments, and obliged to accept of terms far less favourable than they might have obtained, had negotiations been entered upon long before they were. But, good God, Sir, what were the calamities then, compared to those with which we have now to struggle? What the prospect of extricating ourselves then, compared to the present? The contemplation of the difference is shocking. To America we had little to give but her independence, and the trouble of conciliating her lost affection; to France, Spain, &c., mutual restitutions. In the present case, we have no prospect but the continuance of the war; and the consequences of that are too dreadful to anticipate, further than I have already done. There is one other part of the right honourable gentleman's political conduct, which strikes upon my mind at this moment, and which I cannot forbear to mention; I mean his entrance into Parliament. This was towards the close of the American war. He began his parliamentary career by opposing it most vehemently, and soon after the majority which had carried on the war was put an end to, the right honourable gentleman complimented the Rockingham Administration, and said, 'You have destroyed the majority which carried on the American war; but you cannot be sure of having gained your end, if you do not strike at the root of the evil: there must be a radical reform, otherwise Ministers may, on future occasions, arise, who will again plunge the country into more bloody and expensive wars than even that we have got rid of.' The predictions of the right honourable gentleman have been now fatally accomplished. He himself has lived to become that very Minister, whose anticipated misconduct he had so feelingly deplored, and no sooner did he become possessed of ministerial influence, than he used it more liberally than his predecessors had ever done, not only to prevent reform, but to stab the constitution in every vein, and to plunge us into armaments and wars far more prodigal, both in blood and treasure, than had ever been known before in the annals of our history. Sir, I shall not trouble the House any further at present. I have already taken up too much of their time. Before I sit down, however, I entreat the House to give the subject the most mature examination. If they are not for the continuance of the war, I hope they will, like men, withdraw their confidence from that quarter, where it has been, in my opinion, so long misplaced, and vote for the amendment which I shall have the honour to submit to the House." Mr. Fox then moved an amendment, by leaving out from the word "result," at the end of the first paragraph, to the end of the question, in order to insert these words,

"Your Majesty's faithful Commons have learnt, with inexpressible concern, that the negotiation lately commenced for the restoration of peace has been unhappily frustrated:

"In so awful and momentous a crisis, we feel it our duty to speak to your Majesty with that freedom and earnestness which becomes men anxious to preserve the honour of your Majesty's crown, and to secure the interests of your people: in doing this, we sincerely deplore the necessity we feel, of declaring that, as well from the manner in which the late negotiation has been conducted, as from the substance of the memorial which appears to have produced the abrupt termination of it, we have reason to think your Majesty's Ministers were not sincere in their endeavours to procure the blessings of peace, so necessary for this distressed country:

"The prospect of national tranquillity, so anxiously looked for by all descriptions of your Majesty's subjects, is at once removed from our view; on the one hand, your Majesty's Ministers insist upon the restoration of the Netherlands to the Emperor, as a *sine quâ non*, from which they have pledged your Majesty not to recede; while on the other, the Executive Directory of the French republic, with equal pertinacity, claim the preservation of that part of their conquest as a condition from which they cannot depart:

"Under these circumstances, we cannot help lamenting to your Majesty the rashness and injustice of your Majesty's Ministers, whose long-continued misconduct has produced this embarrassing situation, by advising your Majesty, before the blessings of peace had been unfortunately interrupted, to refuse all negotiation for the adjustment of the then subsisting differences, although the Netherlands, now the main obstacle to the return of tranquillity, were not then considered by the French republic as a part of their territory, but the annexation of them solemnly renounced, and the peace of Europe offered into your Majesty's hands, upon the basis of that renunciation, and upon the security and independence of Holland, whilst she preserved her neutrality towards France:

"Your Majesty's faithful Commons have further deeply to lament, that soon after the commencement of the war, when the republic of Holland had been rescued from invasion, and the Netherlands had been recovered by the Emperor, at a time too when most of the princes of Europe, with resources yet unexhausted, continued firm in their alliance with Great Britain, your Majesty's Ministers did not avail themselves of this high and commanding position, for the negotiation of an honourable peace, and the establishment of the political balance of Europe, but, on the contrary, without any example in the principles and practice of this or other nations, refused to set on foot any negotiation whatsoever with the French republic; not upon a real or even alleged refusal on her part to listen to the propositions now rejected by her, nor to any specific proposal of indemnity or political security, but upon the arrogant and insulting pretence, that her Government was incapable of maintaining the accustomed relations of peace and amity amongst nations; and upon that unfounded and merely speculative assumption, advised your Majesty to continue the war to a period, when the difficulties in the way of peace have been so much increased by the defection of most of the powers engaged in the confederacy, and by the conquests and consequent pretensions of the French republic:

"Your Majesty's faithful Commons having thus humbly submitted to your Majesty the reflections which your Majesty's gracious communication immediately suggest, will proceed with unremitting diligence to investigate the causes which have produced our present calamities, and to offer such advice as the critical and alarming circumstances of the nation may require."

Mr. Secretary Dundas answered Mr. Fox, and was replied to by Mr. Grey; after which the House divided on the motion, "That the words proposed to be left out stand part of the question." Yeas, 212; Noes, 37.

Stoppage of Cash Payments at the Bank.

1797. *February* 27. For some time past, the Bank of England had experienced a considerable pressure for money, owing to the demand for gold and silver, which resulted partly from the distressed state of commerce, and partly from the great drains upon the specie of the country, which had been occasioned by the extensive loans to the Imperial Government, and the vast expenditure of the Republican and Austrian armies in Italy and Germany. These requisitions and contributions, all of which were obliged to be paid in cash, created a prodigious demand for the precious metals on the Continent, and gave rise of course to a corresponding drain in this country. The influence of these causes was so severely felt that, in the month of January, 1795, the Directors of the Bank of England informed the Chancellor of the Exchequer, that it was their wish "that he would arrange his finances for the year, in such a manner as not to depend on any further assistance from them." These remonstrances were renewed in the months of April and July in the same year; and on the 8th of October following, the Directors sent a written paper to the Minister, which concluded by stating, "the absolute necessity which they conceived to exist, for diminishing the sum of their present advances to Government; the last having been granted with great reluctance on their part on his pressing solicitations." In an interview, which took place on the 23rd of the same month, on the loans to the Emperor being mentioned, the Governor assured Mr. Pitt "that another loan of that sort would go near to ruin the country." In the course of the following year, the Bank, notwithstanding their continued remonstrances, yielded to the demands made upon them by the Chancellor of the Exchequer, on his stating that serious embarrassments would otherwise result to the public service.

On the 10th of February, 1797, Mr. Pitt proposed a loan for Ireland of one million and a half. At an interview, which took place on the 18th, the Governor of the Bank told him "that such a scheme would have the worst effect possible; that it would cause the ruin of the Bank; for that such a loan raised here would all be sent over in money to Ireland, and would drain much of our specie from us." And at a meeting of the Directors on the next day, the Governor was authorized and enjoined to assure Mr. Pitt "that, under the present state of the Bank's advances to Government, such a measure would threaten ruin to the House, and most probably bring them under the necessity of shutting up their doors." Mr. Pitt, nevertheless, persisted in his resolution, declaring to the Governor, "that he found it to be a measure of Government absolutely necessary, notwithstanding the difficulties and dangers which they foresaw in the execution of it." With these causes, another springing also out of the war, powerfully co-operated. This was the apprehension of an invasion, which induced many persons to withdraw their deposits from country banks, rendering some of them insolvent, and compelling them all to withdraw from the Bank of England large sums of money. Demands for cash rapidly increased, and such was the run upon that establishment, that, in the last week of February, it was reduced to the necessity of paying in sixpences, and was on the verge of insolvency.

In this alarming state, the Ministry thought themselves compelled to interfere, and at a Privy Council, held on Sunday, the 26th of February, an order was issued, prohibiting the Directors of the Bank from "issuing any cash in payment till the sense of Parliament could be taken on that subject, and the proper measures adopted thereupon for maintaining the means of circulation, and supporting the public and commercial credit of the kingdom at this important conjuncture."*

On the following day, the 27th of February, Mr. Pitt laid a copy of the order in Council before the House of Commons, and at the same time presented the following message from his Majesty:—

"George R.

"His Majesty thinks it proper to communicate to the House of Commons, without delay, the measure adopted to obviate the effects which might be occasioned by the unusual demand of specie lately made from different parts of the country in the metropolis. The peculiar nature and exigency of the case appeared to require, in the first instance, the measure contained in the order of council which his Majesty has directed to be laid before the House. In recommending this important subject to the immediate and serious attention of the House of Commons, his Majesty relies with the utmost confidence on the experienced wisdom and firmness of his Parliament for taking such measures as may be best calculated to meet any temporary pressure, and to call forth, in the most effectual manner, the extensive resources of his kingdoms in support of their public and commercial credit, and in defence of their dearest interests."

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* On the 27th of February, a meeting of the bankers and principal merchants was held at the Mansion House, under the presidency of the Lord Mayor, at which it was unanimously resolved that they would not refuse to receive bank-notes in payment of any sum, and that they would use their utmost endeavours to make their payments in the same manner. This resolution was signed by all present, and in a few days by above three thousand principal merchants, bankers, and traders. Such was the effect of this meeting in reanimating public confidence, that, before its separation, the price of stocks advanced two per cent. A resolution, to support the credit of bank-notes, was also published with the signatures of forty-two members of the Privy Council; and in a few days all transactions proceeded in an uninterrupted course.—Adolph. vol. vi. p. 537. Annual Register for 1797.

Mr. Pitt then moved, "That the message be taken into consideration to-morrow." He took that opportunity of giving notice, that he should at the same time move for a Committee to inquire into the outstanding engagements of the Bank, and likewise of their funds for discharging the same.

February 28. Mr. Pitt now moved, "That a committee be appointed to examine and state the total amount of outstanding demands on the Bank of England, and likewise of the funds for discharging the same, and to report the result thereof to the House, together with their opinion on the necessity of providing for the confirmation and continuance of measures taken in pursuance of the Minute of Council, on the 26th instant. The motion being read,

Mr. Fox rose and said, "Sir, when I consider the wonderful event which has this night been announced to the House for a second time; when I take into review the causes which have led to this extraordinary situation of affairs, and the effects likely to result from it; I confess that, after the pause which has been afforded me for deliberation, I do not at all feel more sanguinely or more agreeably than I did on the first mention of the subject. The right honourable gentleman has moved for the appointment of a committee for the purpose of inquiry, to which, if it was vested with powers sufficiently ample, I certainly should not object. But it might have been expected, and I for one did expect, that the Minister who had conducted affairs in such a manner as to call for the measure that has now been proposed, would not have been contented to pass so slightly over the nature of the crisis, but would have thought it incumbent on him to have given, at least, some general statement of those circumstances which have led to that situation of unprecedented embarrassment in which we are now placed. Let us consider a little how he has proceeded, even in the first stage of the business. Every man who read the order of council must have been struck with the reflection, that this was the first time a measure had been adopted by the Executive Government of this country to prevent the Bank from answering the demands of its lawful creditors. The effect of the measure I will not describe by saying that it has impaired—for that is but a weak word on such an occasion—I contend that it has destroyed the credit of the Bank. There is no gentleman so ignorant of the principles of paper credit, as not to know, that the whole source of the validity of this species of currency is derived from the circumstance of its being convertible into gold and silver. But when we learn that Ministers have not merely recommended to the Bank to suspend all payments in specie, but have positively required them to adopt this measure, we must consider ourselves as placed in a very different situation with respect to the future state of our paper credit. If the thing itself was necessary from the circumstances of the times, still I do not approve of the mode in which it has been carried into execution. If the measure was indispensably requisite from the pressing exigency of the country, an Act of Parliament was surely the only proper mode of effecting the purpose. If the plea of urgency be brought forward, that was a consideration on which the House were competent to decide, and which must have impelled them, as in other cases, to lose no time in carrying a bill through the different stages. This House was that particular branch of the Legislature which it was of the most essential importance to consult on such an occasion. The neglect that has taken place in this instance is of the most mischievous example, and may be attended with the most fatal consequences at a future period. All those who have turned their attention to the paper credit of this country must view with alarm, that the King, or Executive Government, have by the present measure claimed a power to annihilate by one breath all the property of the creditors of the Bank. It may be said, that such a power would be equally dangerous in any branch of the Legislature. But surely the danger is greater from the quarter in which it has now been exercised. It has been found that wherever a power of this nature has been confided to a senate, or to a large body of men, it has presented fewer instances of abuse than in those situations where the reverse has been the case. This conclusion is supported by the recorded facts of history, and the uniform testimony of experience. It has been proved, that the stability of credit has always been better maintained in republics, than in those governments where it merely depended on an individual, or on a small body of men. Of all modes, then, by which the object could have been effected, the measure that has actually been adopted is the most pernicious in its principle and the most dangerous in its consequences. It will not be easily erased from the memories of men, or from the annals of the country, that whatever may be the vaunted theory of our constitution, whatever the nominal value of our rights, whatever the pretended security of our laws, one word from the King may have the effect to destroy one half of the property of the country. The order of council merely forbids the issuing of money; the paper, however, subsequently published from the Bank, removes all doubts with respect to the nature and extent of the measure, and thanks are due to the Directors for the explicitness they have manifested on the occasion. After expressing their intention to comply with the order of council, they proceed to point out the objects which the measure has in view. They declare that they will continue their discounts to the merchants in paper, and that they will also pay in paper the dividend warrants. Gentlemen may ascribe it to affectation, when I declare that I feel nervous in stating the probable effect of this proceeding; and the more so, as I observed that the right honourable gentleman, who has certainly more cause than myself to take a fearful interest in the issue of this transaction, seemed to experience a similar feeling to so great a degree, that he was unable to use his splendid abilities to afford to the House any satisfactory explanation of its objects and effects.

"What, I ask, is the meaning of this measure? Though it has been declared by repeated laws, that faith is most solemnly to be kept with the public creditors—though you honourably declare that you will impose no tax on the interest they hold in the stocks; you now so strongly feel the exigency of your situation, that you are compelled to overlook the covenants of law and the obligations of honour, and to apply for a resource to the great depôt of national wealth. But it may be said, that the dividends are still to be paid in paper. Is there, however, any gentleman so ignorant as to conceive that there is any difference between refusing to pay the dividends in specie, and refusing to pay them altogether? Are not the terms of the contract, that they shall be paid in the current coin of the kingdom? With what pretence can you affirm that you do not tax the income of the stock-holder, if you break the terms of the contract, and compel him to take for his interest a compensation of less value than that which has been stipulated by solemn engagement? Does any man believe that he would receive at the present moment in the City a thousand pounds in cash for a thousand pounds in notes? You admit, then, that you are arrived at such a state of desperation, that it becomes necessary to violate all contracts. Suppose the dividends were confided to Ministers to pay the expenses of the army or navy, and that they gave to the holders certain paper on Government security, would they be placed in the same situation as before with respect to the stability of public credit? So far as regarded the principle, Ministers might as well at once confiscate their property for the use of the State. But it has been said, that emergencies will arise, which render it necessary to break through all ordinary restraint. Unquestionably, necessity furnishes that strong argument to which no reason can be opposed; but it ought to be proved that the emergency was of the most pressing nature, and capable of being clearly demonstrated. The Minister who comes down and endeavours to prove to the House, that necessity has compelled him to this fatal and irremediable act of bankruptcy, ought at least to be prepared to show that the necessity was occasioned by no fault of his own. Nothing of this sort has been attempted; we have only the assertion of the right honourable gentleman of the strong conviction he felt of the necessity of the measure; and it is incumbent on the House to determine whether they ought to be satisfied on the authority of his bare assertion that the danger has been fully proved, and that it could by no precaution have possibly been prevented. If we are to be satisfied on such authority—if we are to conceive an assertion a sufficient ground of confidence—what account shall we be able to give to our constituents of this new disaster that has befallen the country? Amidst the calamities and disgraces of former periods, we had still one ground of consolation in the sanctity of national credit. Every Minister might say to Parliament, and every member to his constituents, even at the most afflicting eras, 'The public faith has been preserved.' The inviolability of the principle sanctioned its future observance. But now we are even deprived of this last source of public consolation—this last prop of national honour.

"With the feelings naturally impressed upon me by these reflections, I yesterday came down to the House. I must own that I did not then like some words that fell from the right honourable gentleman with respect to the Order of Council. A motion for inquiry is brought forward. The order evidently threw some slur on the Bank, and as a proof that they felt so, the Directors immediately published a paper which contained an assurance of the prosperous state of their affairs. Under these circumstances, it was natural and laudable that they should feel an anxiety for that inquiry, which was necessary to vindicate their own credit. Another reason assigned for the inquiry is, that the public are to be called upon to guarantee the security of the bank notes. On the first suggestion, I did not see anything objectionable in granting this guarantee. As I have since, however, altered my opinion, it may be proper for me to say a few words on the subject. Every sanction given by the public to the credit of individuals, though for a time it may be attended with some advantage, will ultimately be found to be injurious and destructive. If the credit of the Bank rests on that footing of solidity which has been asserted, it is better that it should still remain on the same foundation. The right honourable gentleman, however, thinks that even with the favourable opinion which is now entertained by the public of the credit of the Bank, there would still be some advantage derived from the guarantee of the Government. It is curious to hear from the right honourable gentleman this theory with respect to the advantages of guarantee. Happy would it have been for the country if he had not in former instances extended this system of guarantee to foreign powers. Without paying any compliment to the Bank of England, I think its credit fully as good as that of the Bank of Vienna. Without instituting any particular inquiry, I think we might as safely guarantee its security, as the security of some German princes, with respect to whom we have no means to ascertain either the obligations to which they are liable, or the funds which they possess to discharge them, and of whose good faith we are entirely ignorant.

"If I thought that the committee would be empowered to go into all the causes which have led to this disastrous state of affairs, I certainly should not desire that the inquiry should be placed on a more extensive scale. The right honourable gentleman has, however, intimated that it is not his intention that the inquiry should be conducted in this manner. He has stated that there are some points of peculiar delicacy connected with an investigation of the state of the Bank, and the disclosure of which would create great embarrassment. There is one distinction, however, to which it is material to attend. While the credit of a corporation is entire, the public have no right to pry into their secrets; nor is it fitting that they should be made matter of investigation; but when once a failure has taken place, or a slur has been thrown upon its character, the best remedy for this unpleasant situation of its affairs, is to bring them into a state of the utmost publicity. When we hear, in the present instance, of some points of great delicacy, we must view them in comparison with those points of still greater delicacy which attach to this subject: and in this light what exposure of the affairs of the Bank can possibly involve considerations of greater delicacy than a measure which goes to the extent of violating the national faith, and invading the property of the public creditors? The House are called to decide upon the merits of the whole transaction. To assist them in forming their judgment, it is necessary that all the concerns of the Bank should be investigated. They ought to be enabled to pronounce how far the measure has been dictated by motives of imperious necessity: every circumstance which has been made known to the Chancellor of the Exchequer respecting the situation of the Bank, ought also to be made known to the committee: all the grounds on which he has been induced to publish the Order of Council, ought to be laid before them: it is only from such full information that they can be enabled correctly to judge of the conduct pursued on the occasion. The nature of the case is such as immediately to demand the most particular investigation. For though there were eight members of the Cabinet present at the Council from which the order was issued, it is to be remarked that the responsibility chiefly attaches to one individual—the Chancellor of the Exchequer. Upon the representation of the Chancellor of the Exchequer of the unusual demand for specie, and the danger of a scarcity of that article for the purposes of the public service, was the measure adopted. Let me beg of you not to imitate the blind confidence of the Lords of the Council, and bestow your approbation on the mere representation of the necessity of the measure, but to have before you all the facts and arguments connected with the transaction, and to draw your conclusion from a full and impartial investigation.

"The Minister tells us, that he would not have taken the measure without feeling the strongest conviction of its necessity. He insinuates that the same conviction was experienced by the Bank Directors. Of the excellent conduct of the Bank of England, I have not the least doubt; that many circumstances in that conduct are highly meritorious, I do not deny; still less should I think of denying that to the excellent conduct of Administration, from time to time, since the Revolution, upon the subject of preserving faith with the public creditor, much of the prosperity of this country is owing. But am I, therefore, because they choose to ask for it, to accede to measures that are wholly without a precedent, and that without understanding that there is to be a full inquiry into all the conduct of those who, in my opinion, have brought our affairs into their present condition? I therefore say, that if the House of Commons should allow this committee to be appointed, they will most scandalously abandon their duty, if they confine their inquiry to what the Chancellor of the Exchequer has this night stated. If the committee shall inquire into the state of the outstanding engagements of the Bank, and what are their funds for providing for them, and shall stop there, I say they will shamefully abandon their duty. They must not be content with any measure, merely because in the opinion of the Minister it is right; no, nor even upon finding that, in the opinion of the Directors of the Bank, that it is right. It is your duty to examine the grounds upon which these opinions are formed, and finally to form an opinion of your own. If ever there was a question in which confidence in Ministers should be placed out of view altogether, it is this very case. Let us look at the case, and see what sort of a thing it is. Is it a case of treaty upon peace or war? Is it a case of negotiation? No; it is a case of finance, and finance merely—a subject which at all times has belonged, and belonged almost exclusively, to this House—a subject which, from its nature, is best considered in a public assembly. Will the Minister himself get up this night and say, that Administration are, on the face of things, exculpated for everything that has lately happened to the financial concerns of this country? Will he say that they have been punctual in the discharge of their duty upon that subject, and that it is not owing to them that we are in our present deplorable condition? Is it not notorious that the prizes of the last lottery were delayed in payment for a considerable time? Has not the public creditor thereby suffered? Has not the public credit of the nation been thereby diminished? Have not bills on Government been protested; have not the holders been plainly told that they must wait for a considerable time; and have they not been obliged so to wait? Most unquestionably they have. And the reason assigned for all this delay in payment, has been fashionably called the want of a sufficient circulating medium, but which, in truth, only proved our insolvency, and the inability of the Minister to fulfil the promises which he so readily held forth. All his new schemes of finance have only contributed to bring on the evil which he has from time to time pretended to remove. Is it not notorious that he has rejected all the advice that has been given to him from time to time? He pretended to do away all the evils that arose from the increase of our unfunded debt, evils which we all felt, and for which certainly a remedy was necessary. But what was the effect of his pretended remedy, and what has been the result of his conduct since he pretended to provide against the mischief? Why, that he has so miscalculated the wants of Government, or from time to time so misstated them, that he has been obliged to provide for the sum of twelve millions, after assuring us that no further money would be wanted for the funding of the navy debt; and after all these assurances from time to time, that he was making ample provision, the navy bills at this very time are at a higher discount than they were at any former period.

"Sir, I come now to another point. The Directors of the Bank often told the right honourable gentleman what the effect would be of his sending such vast sums of money abroad. They remonstrated against such conduct. I will not enter upon the detail of the advice that was given to him at these times; but we all know, and now feel the effect of, his conduct; for he sent money abroad, not only in defiance of the remonstrance of the Bank, but against the spirit and letter of the constitution. Such has been the conduct of the Chancellor of the Exchequer; and I do say, we are now called upon, by the duty we owe the public, to give no further credit to him for his statements in any public affair of finance; more especially upon the subject which is now before us. It is a subject on which this House ought not to place confidence in any Minister, because it is a subject which we ought most scrupulously to examine for ourselves. If the best Minister that ever managed the affairs of this country were to ask for confidence in such a case as this, it would be the duty of this House to withhold it. If the right honourable gentleman's father, in the course of the seven years' war, when his measures led to the most brilliant victories, had come to this House to demand such confidence as the Minister seems to ask by the speech which introduced the motion which is now before you, I believe that, notwithstanding all the esteem which that illustrious statesman deservedly enjoyed, the Parliament would then have had virtue enough to refuse it to him; but he had too much regard for the constitutional privileges of this House, to ask for such a confidence. What, however, would have been denied to the virtue, the wisdom, the eloquence, the glory of that Minister, had he asked it, is now, I fear, to be given to a Minister who has disgraced himself and ruined his country. The House, if it means to have any credit with the people, must not confide in any man, but examine the real state of public affairs, control the Executive power, and institute minute inquiry into all the circumstances that have led to the calamitous condition in which we are now placed. We must take care that the man who has brought us into this deplorable state shall not be permitted totally to ruin us. If we do not do so, the most candid manner in which we can act towards the public is, to declare at once that we are persuaded the care of this country is grown above the cognizance of the House of Commons, and that we choose to give it up entirely to the direction of the King's Ministers; in which case we shall plead guilty to all the charges that have been exhibited out of doors against us; that we are not the representatives of the people of England, but the servants of the Minister of the Crown; that it is true, indeed, the theory of the constitution of England is beautiful, but that its practical utility is at an end, as far as regards the functions of the House of Commons, for that now they implicitly commit to the Minister of the Crown all control over subjects of finance. Let me ask, if this must not be the inevitable conclusion of the people of this country, if you do not enter upon a full inquiry into this subject? Let me ask, if this be not a case for inquiry, what case can possibly be called so? Let me ask, what case can be more violent, and less warrantable by law than the present? Let me ask, if ever since the Revolution there was proposed a measure more fraught with danger to the credit of this country? Let me ask, if any Minister ever existed who had less claim to confidence, and whose conduct called more for the jealousy of this House than the present Minister? If, after you have turned these questions in your minds, and have agreed what answer ought to be given to them all, you still confide in the present Minister, I will then say you will deserve everything that has been said against you, for you will, indeed, be a House of Commons that has surrendered all its functions to the will of the Minister of the Crown.

"There has been a custom, I confess a very laudable one, to speak well of the navy. It certainly is a service to which the people of this country are prodigiously indebted, and we cannot have too much tenderness for the character of our naval officers, and yet we find it to be the uniform practice of this country to call to a court martial every officer who has been unsuccessful to a certain extent, however meritorious his conduct may have been. Now let me ask, if this be the case with regard to our favourite service, what should be the conduct of this House when the Minister of the Crown has been guilty of mismanagement in an alarming degree? What should be the conduct of this House when a Minister issues a proclamation in the name of the Privy Council to destroy the public credit of this country? Let me ask, what should be the conduct of a House of Commons towards him who is at least *primâ facie* a culprit before them and the public,—who is certainly in the situation of an accused person? I think it is not difficult to answer these questions. If there are any who hear me who think that I say this from personal rivalship, they are welcome to charge me with it; they do not know my nature; those who do will bring no such charge against me. If, however, to charge a criminal Minister, in order that an inquiry may be made into his conduct, be a crime, then I am content to be called a great criminal. Let me ask, what is the credit of this nation if a proclamation, dictated by a Minister, is to set aside the provisions of solemn Acts of Parliament? Long, long experience has taught us, or should have taught us, that punctuality and good faith are the foundations of credit; that credit can have no existence independent of good faith. It has been said more than once, that we are to trust to Providence in our affairs. It would be a miracle which I have never yet heard that Providence has performed towards man to give credit to those who have no faith. On the 26th of February, 1797, for the first time since the Revolution, an act was done in the King's name which has struck at the foundation of the public credit of the country, by seizing the money belonging to individuals deposited in the public treasury of the public creditor; and afterwards withholding and refusing payment of that money. What can now restore that public credit? Will any man say he knows the remedy for this? If it shall appear that Ministers have acted prudently, according to the pressure of the case; that they acted wisely; that they have acted economically; that they looked forward to all the consequences, as far as human prudence could foresee—then I am willing to allow there is no man can blame them, however calamitous our condition may be. If they can show, contrary to the *primâ facie* evidence of the case, that they have not been to blame, they must be absolved; but that is no reason why we should not have a full inquiry into the matter: on the contrary, it is a very strong reason for such inquiry; and they themselves are deeply interested in having it instituted. But, if it should appear that this crisis has not been brought on without guilt on their part, it must be absolutely for the credit of the public that the truth of the matter should be made manifest to the world. If you shun this inquiry, what will be the consequence? I will suppose, for the sake of argument, that the whole of this measure is the result of inevitable necessity. I wish, then, to know what the public creditor is to think. He will deliberate thus: Although in the year 1797 the Minister struck unavoidably at the public credit, yet what happened in the House of Commons? That in pursuance of a full inquiry it was found to be an act of inevitable necessity, and could not have happened under any other plea? No; it passed upon the assertion of the Minister that it was an act of necessity, and there was no inquiry; therefore some future Minister may be wicked, although the present one is virtuous, and may take this as a precedent, and call that inevitable necessity which, in truth, will be only an act of convenience to him, and under that pretext appropriate the property of the public creditor to the use of Government; so that without a full inquiry into this matter you can never restore confidence to the public creditor. On the other hand, if this is the result of the misconduct of the Minister, you should declare it to be so, and by the punishment of the delinquent show the public you take care of their affairs. These are the only two ways in which you can restore the confidence of the public creditor.

"Let us now see what has been the conduct of the present Minister in the course of this war, upon the subject of finance. Have any three months passed in which he has not produced some new expedient? And have they not every one of them, without a single exception, proved erroneous? Good God! Sir, let us look at the situation of this country! Year after year the Minister has been amusing us with his ideas of the finances of France—now on the verge, now in the gulph of bankruptcy! What computations upon their *assignats* and their *mandats!* They could not possibly continue. All perfectly true. But the misfortune is, that while he was thus amusing us, he has led us to the very same verge, aye, into the very same gulph. While he thus declaimed against the finances of France, and predicted truly as to the issue of those expedients, he fell miserably short of his conclusion that these considerations would put an end to the energy of the French. Their rash expedients have not put an end to their energy; and, perhaps, these rash expedients will not make us a prey to a foreign invader. But, are we to follow their expedients on that account? By no means. We are not in the same relative situation with regard to the rest of the world. We depend more upon our commercial credit than they do. The Minister has conducted the war upon the hope that we should be able to defeat the French by a contest of finance; and you now see the expedients to which we are driven. I am aware that I may be answered, that I propose my *panacea*—an inquiry. I plead guilty to that charge; but my panacea has never been tried; the Minister's opposition to it has been tried repeatedly, namely, confidence in him. The public have seen the effect of that opposition. All I ask is, that my remedy may be tried; it can never be worse than his. We have for a long time had a confiding House of Commons. I want now an inquiring House of Commons. I say, that with a diligent, inquiring House of Commons, even although it should be an indifferent one with regard to talents, and with a Minister of very ordinary capacity, we shall be able to do more for the service of the people of this country than with a House of Commons composed of the best talents that ever adorned any senate, and a Minister of the first abilities, if that House should implicitly confide in that Minister. If, therefore, I have, in an uniform tone, called for inquiry, and the House has not been as persevering, as it certainly hitherto has been confiding, it is not wonderful that we are in our present condition. I say, that without inquiry into the cause of our calamities, the public neither will nor ought to be satisfied. I say further, that the House ought, for the sake of its credit with the public, to enter into a full inquiry upon this matter, for the authority of an inquiring is much greater than that of a confiding House of Commons."

Mr. Sheridan moved an amendment to Mr. Pitt's motion, by inserting after the word "House," the words, "and also to inquire into the causes which have produced the Order of Council, of the 26th instant." The question being put, that these words be there inserted, the House divided:—Yeas, 86; Noes, 244. The original motion of Mr. Pitt being carried, a committee was accordingly appointed.

In the meantime, a bill was passed* with the utmost expedition for repealing an existing law which prohibited the issue of bank notes for a less sum than five pounds. The object of this bill was to remedy the inconvenience which must have arisen with respect to the payment of small sums, from the stoppage of payment in specie at the Bank.

The committee appointed to inquire into the state of the affairs of the Bank having made two reports, Mr. Pitt, on the 13th of March, brought in a bill for enabling the Bank of England to issue notes in payment of demands upon them, instead of cash, in pursuance of the late Order in Council to that effect. This bill underwent much discussion in its progress through the Commons; but ultimately passed that House on the 7th of April; and, having been adopted by the Lords without alteration, it received the Royal assent on the 3rd of May.† The measure in question was limited in its operation to the 24th of June following, but it was afterwards renewed from time to time, and by 44 Geo. III. c. 1, continued until six months after the ratification of a definitive treaty of peace.

MR. FOX'S MOTION ON THE STATE OF IRELAND.

March 23. In pursuance of the notice he had given,

Mr. Fox rose and addressed the House in substance as follows:—"The business, Sir, which I am about to bring before the House is one not only of great importance in its nature, but of great urgency in point of time. It is not my wish to go at length into all the causes that have produced the uneasiness that exists in Ireland, and which has created a similar uneasiness here; but I do think it necessary to recur to a period somewhat distant from the present, in order to enable the House to form an accurate opinion upon the subject, and to induce them to accede to the motion which it is my intention to submit to them. Sir, in the year 1782, very great discontents existed in Ireland, and it appeared to me to be indispensably necessary that everything should be done on the part of the Government to appease and allay them. With this view, I proposed the recognition of the complete independence of Ireland.* It is not now of importance to consider whether that recognition was a boon or a right. It is not necessary for me to discuss whether it was a right demanded by justice, or a boon required by policy. But having been the person who proposed that act, I consider myself bound to follow up the principle of it, which was to make Ireland a free and independent country; and, above all, to adopt such measures as are calculated to admit her to the enjoyment of all the advantages of that independence, and to restore that cordial affection between the two countries, so eminently requisite to the preservation and prosperity of both. To those who consider the recognition as a right, and still more to those who view it as a boon, it may seem not a little extraordinary, after a conduct so just and liberal on the part of this country, that, from the period of 1782, there have been growing scenes of dissatisfaction and discontent in that country; and that at this moment Ireland is in a condition at which no man can look without the deepest alarm. In my opinion, therefore, the Parliament of Great Britain is naturally called upon to inquire, how it has happened that those concessions have not produced all the salutary consequences that might have been expected from them; and it is on that account that I think it the duty of this House, and my own duty in particular, to direct the attention of the British Legislature to the present state of the sister kingdom.

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* 37 Geo. III. c. 28.

† *Vide* 37 Geo. III. c. 45.

"Sir, without entering into particulars, no man will deny that the situation of Ireland at the present moment is one of great peril. It appears by late accounts that we are commencing a system of rigour, occasioned by what some consider as discontents, and others the disaffection that at present subsist among the people: to that situation it becomes us to advert, and by wise counsels to provide such remedies as the circumstances of the case may require. In such an important situation, we ought to approach the Throne with that advice which may be calculated to avert the dangers which threaten, and to remedy the distractions which prevail. It is sufficient for this purpose to show that Ireland is in a state of disturbance and discontent, and it is material to inquire, how this situation of things has been occasioned. Although a variety of circumstances have combined to produce this state, there are two or three leading points to which I propose chiefly to direct the attention of the House. These are, how far, in consequence of the concessions which have been made to Ireland, she has, in fact and in substance, enjoyed the advantages of an independent legislature; whether, in that form of a free constitution which they obtained, the people possess that political weight to which they are entitled; and whether their just voice and influence have been promoted by the alteration which was effected? Other points there may be, perhaps, nearly as important; but these certainly are objects of most essential consideration. In viewing the inhabitants of Ireland, we find that a very great proportion—about five-sixths, as it has generally been calculated—are Roman Catholics. It is true that considerable concessions have been made in their favour, and several of the grievances under which they laboured have apparently been removed. The question, however, is, whether, in point of fact, these concessions have tended to remove dissatisfaction and to conciliate attachment. If, upon inquiry, it shall appear, that the mode in which these concessions were made, and the acts of the executive power with which they were accompanied, have produced the severest persecutions of a political nature, those who do not mistake paper regulations and theoretical privileges for practical government, will be convinced that the grounds of discontent of the Roman Catholics have not been redressed, and that they have been kept in a situation worse than that in which they previously stood. These are the principal points which the inquiry must embrace; but there are others unconnected with the state of the Catholics. The inhabitants of the northern part of Ireland are by some considered in a less favourable light, and their grounds of complaint are heard with a less favourable ear. The discontents of no class of men whatever ought to be viewed with that repugnance which precludes an impartial examination; and I cannot much admire the wisdom of those by whom such prejudices are adopted as rules of conduct. The discontents of the inhabitants of the northern parts of Ireland arise from two causes: one of them in the temporary pressure of a war, in which they were involved without interest in the contest, and the distresses which the calamities with which it has been attended have entailed upon their trade and commerce; the other has been the abuses which they conceived to exist in the constitution by which they are governed. The constitution of Ireland, they complain, does not resemble that of Great Britain; they have not a legislature by which the people are even virtually represented; and as to political liberty, they enjoy as small a portion of it as those who live under monarchies in which the principles of freedom have never been introduced.

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* By sect. 1 of 6 Geo. I. c. 5, intituled "An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain," it was declared, that the kingdom of Ireland was subordinate unto and dependent upon the imperial Crown of Great Britain, as being inseparably united and annexed thereunto; and that the Parliament of Great Britain had full power and authority to make laws of sufficient force to bind the kingdom and people of Ireland. And by sect. 2, it was declared and enacted, that the House of Lords of Ireland had no jurisdiction to affirm or reverse any judgment, sentence, or decree, given or made in any court within the said kingdom; and all proceedings before the said House of Lords upon any such judgment, sentence, or decree, were declared null and void. The above act was repealed by 22 Geo. III. c. 53.

"As to the first point, the efficacy of the recognition in 1782, an opinion prevails in Ireland, that whatever may have been the intention with which that measure was adopted, it has not produced a free and independent legislature, but that the advantages which the form of a free constitution seemed to promise have been counteracted by the influence of the Executive Government and of the British Cabinet. It would be fortunate if this were merely the language of discontent—it would be fortunate if this were an opinion not supported by that unequivocal confirmation it has derived from the measures of Government—it would be fortunate if the system which has been uniformly acted upon did not give to the complaint so much countenance and validity. Without going into particular details, it is impossible not to mention a few of the most striking events which establish its truth. At the time of the unfortunate event of his Majesty's indisposition, the Legislature of Ireland took a very decided part;* the Parliament of Ireland censured the Lord Lieutenant for the conduct he had pursued, and expressed a decided opinion on the state of public affairs at that period. Immediately after this, however, and during the administration of the same Lord Lieutenant, a great accession of influence was gained by the Crown, and the Parliament was prevailed upon to unsay all they had said, and to retract every opinion they had given. It is even matter of notoriety, too, that a regular system was then devised for enslaving Ireland. A person of high consideration was known to say, that half-a-million of money had been expended to quell an opposition in Ireland, and that as much more must be expended to bring the Legislature of that country to a proper temper. This systematic plan of corruption was followed up by a suitable system of measures. It was asserted, and offered to be proved, in the Irish Parliament, by men of the first character and the highest talents—and when I mention the name of Grattan, I need add nothing more—that it had been the system of Government, by the sale of peerages, to raise a purse to purchase the representation, or rather the misrepresentation, of the people of Ireland. The charge was brought by men of as great abilities, of as unimpeached honour, of as high public character and private virtue, as ever appeared either in that country or in this; by men, too, who feel a sincere attachment to Great Britain, who cherish the connexion which subsists between the two kingdoms, and who would be as much alarmed as any men whatever at any circumstances which might threaten to involve a separation. It was offered to be proved, that one half, or even a majority, of the House of Commons were creatures of the Crown. The manner in which these events were considered at that time in Ireland was this: 'You have granted us,' said the people, 'an independent Legislature—independent certainly of your Parliament, but dependent upon your Executive Government.' The concession, therefore, they viewed not as a blessing, but as a mockery and an insult.

"Another proof of this substantial dependence upon the executive government, was evinced in the manner in which the demands of the Roman Catholics had at different times been treated. Their first petition merely prayed for a remedy to some of the most oppressive grievances under which they laboured, and in the humblest style solicited indulgence and concession. An immense majority of the House of Commons were not content with refusing the desire of the petition, but they resolved to fix upon it a mark of particular insult, by voting its rejection. In this haughty and insulting vote every member under the influence of government concurred. The very next session, however, when the war was begun, and when a more conciliatory conduct was deemed prudent, a petition, comprehending claims much more extensive, obtained a reception very different from their former modest pretensions. The Crown recommended the claim, and the same Ministers who had caused it to be indignantly rejected, now carried the vote by which pretensions far more important were sanctioned. Of this opposite conduct which the Executive Government thus displayed, I most certainly approve the latter part; but it is not as deserving approbation that I now insist upon it, but I mention it to show that it is not the representation of a factious declaimer, that it is not mere cant and nonsense to assert that the independence of the Irish Legislature is a delusion, and that their freedom vanishes before the breath of the Minister. How, in fact, can the people of Ireland entertain a different opinion when they see the indecent manner in which Government have exhibited the Parliament as their creatures? When Earl Fitzwilliam went to Ireland in the capacity of Lord Lieutenant, it was understood that he left London with the approbation of Ministers, in favour of the complete emancipation of the Catholics; and though no such vote ever passed the Legislature, no doubt was entertained that the measure was to take effect, and that it would have experienced the most complete support from Parliament. However I may differ with my noble friend upon his system of politics, it cannot be denied that he was the most popular Lord Lieutenant with all ranks of men that had ever been sent to govern Ireland; but after the hopes which had been raised, after the known preparation of Parliament to vote complete emancipation to the Catholics, he is suddenly dismissed, the whole system is reversed, and the question which a few weeks before would have been carried with unanimity, is rejected by a vast majority. What was this but the most insulting display of the dependence of the Irish Legislature? Was it not a proof, beyond a thousand demonstrations, that the measure of 1782 had been rendered completely inefficacious? that, in fact, Ireland had gained nothing, but was placed in a state of degradation beyond any former period? The effects of this persevering and avowed system of duplicity might, indeed, be different, according to the character and situation of those on whom it operated. The lower classes of the Roman Catholics, unfortunately not more enlightened, not better informed, nor, perhaps, so well as the peasantry in other countries, though unable to speculate upon political circumstances and to reason upon events, might yet feel its effects. The inhabitants of the northern parts, as well informed, as intelligent, as enlightened as the middling classes in Great Britain, or any other country, would view the system with a more discriminating glance; they would be able to combine the disposition which they saw manifested with the constitutional grievances under which they laboured; and it would at once heighten their sense of abuses and their desire of reform; but even the concessions which were extended to the Roman Catholics, were conducted upon a plan which seemed studiously intended by Government to damp the joy of their success.

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* *Vide ante*, p. 297, note.

"Before I proceed, I must here beg leave pointedly to express my abhorrence of the maxim *divide et impera*, and especially that by such a truly diabolical maxim the Government of Ireland should be regulated; on the contrary, I am convinced, that in order to render Ireland happy in herself, and useful in her connexion with this country, every idea of ruling by division ought to be relinquished, and that the object of government should be to effect a complete union of all ranks of men. Disapproving, as I do most heartily, the maxim I have mentioned, I cannot help being surprised that a Government so little disposed to act upon the principles of justice or of liberty, should have acted as if it had been their aim to undo every part. So little was it the object to inspire the Roman Catholics with gratitude for what had been conceded, that opinions were given without concealment, which left little room for exultation in what had been obtained. It was usual for men of consideration in Ireland, to talk as if what had been done was an act of necessity, which, on a fit occasion, would be recalled: hostile suspicions were insinuated, not merely against the lower orders of Roman Catholics, whom it seemed to be the policy of Government weakly and wickedly to divide from the higher rank, but against men of considerable property, unimpeached character, and undoubted loyalty. Numbers were taken up under charges of high treason; and when acquitted, it appeared that no ground of suspicion could ever have been entertained against them. What could be the object of such proceedings, but to convince the Catholics that the concessions in their favour were extorted, that the hostile mind still existed, and that they were marked out as the victims of the most cruel proscriptions and oppression? Private animosities, too, arose, and produced those different classes of disturbers of the public peace about which so much has been said. The remedies applied tended to foment the evil. The authority of the laws was superseded. Those against whom it was thought convictions could be procured were taken up; and those whom it would have been impossible to convict were transported in great numbers, without the ceremony of a trial. To enable the Government to pursue these violent measures, the Insurrection Act was passed. Those who delight in violent measures, rejoiced in the effect of their application. Other laws nearly as objectionable as the Insurrection Act, were also adopted; and to one of these I must particularly call the attention of the House, in order to show the inefficacy of violent remedies. It was thought a point of the first necessity to prevent the people who were the objects of jealousy from procuring arms. Considering the strength which the Government of Ireland possessed, it might have been supposed that none could have obtained arms but those who were armed by the license of the executive power. Such, however, has been considered the extent of the danger, that a rigour beyond any former measure has been employed in disarming the people. The exercise of one inordinate authority has produced the demand for increased powers, while every remedy that has been applied has served only to augment the danger.

" And now, Sir, a few words upon the grievances of the Roman Catholics and the Dissenters. I know an opinion has gone forth that the Roman Catholics have now no substantial grievances to complain of; that the Presbyterians have still less. It is said that the Roman Catholics have had ceded to them all the privileges of the most importance: that they can vote for members of Parliament, and that they are not distinguished from the Protestants but by being excluded from the high offices of state, and from being members of Parliament. If this were all, I should still say that they have a right to all the privileges possessed by the Protestants. On what principle ought they to be excluded? On what ground of justice? Sir, upon no ground of justice: the only reason, therefore, must be a reason of policy, which is a sufficient proof of a hostile mind against them.

" But let us consider it in another point of view. Is it nothing to have no share in the Government, and to be excluded from the higher offices of the state? But it is invidiously objected to the Roman Catholics, that it is not civil liberty which they wish, but power and emolument. To this I would answer for the Roman Catholics, Yes; nor is it any discredit that they should be actuated by such desire. I would say that civil liberty can have no security without political power. To ask for civil liberty without political power would be to act like weak men, and to ask for the possession of a right for the enjoyment of which they can have no security. I know that distinctions have been made between civil and political liberty, and I admit that it is possible for whole classes, whole casts and descriptions of men, to enjoy the one without possessing the other. Still, however, I assert, that it can be only by sufferance. I admit that civil liberty is of a higher kind; but this I contend that political power is the only security for the enjoyment of the other. The Roman Catholics may justly say, therefore, 'it is not this or that concession that will satisfy us, but give us that which alone can give us security for its continuance.' It is objected, also, that the Roman Catholics are not merely ambitious of power, but actuated by views of private emolument. But if this were true, is it improper that the Roman Catholics, contributing so largely to the support of Government, should be desirous to share the emoluments which it bestows, as a compensation for what they sacrifice? The compensation, indeed, is trifling; but still should they, in point of right, be excluded from their proportion? Yet, how strongly will their claim be felt, when it is considered who are the disputants? Are the Roman Catholics to be told by a few monopolizing politicians, who engross all places, all reversions, all emoluments, all patronages, ' Oh! you base Catholics, you think of nothing but your private emolument! You perverse generation, who have already been permitted to vote for members of Parliament, are you so base as to urge the disgraceful demand of a share in personal emoluments?' Sir, the Roman Catholics are men, and are to be governed. The expense of maintaining all governments must be considerable, and that of Ireland is certainly not a model of economy. In the emoluments arising out of the establishments of Government, the Roman Catholics have a just right to participate; and for a small and interested minority to imagine that they can monopolize all these advantages to themselves, is a pretension which cannot be admitted. Mankind are not to be treated in this manner. It is not now-a-days that such claims will pass current in the world. The loyalty and activity of the Roman Catholics upon the late attempted invasion, are now the theme of the higest panegyric; but it is empty, unavailing praise: *Laudatur et alget* is the situation of Roman Catholic loyalty. The qualities which are so much extolled ought to be rewarded by conferring on their possessors those just claims which are yet denied them.

"Before I proceed to consider the situation of the Protestants, there is one point relative to the Roman Catholics which I ought to explain. It has been said, that the Roman Catholics are entitled to vote for members of Parliament; and the fallacy of this boasted privilege ought to be exposed. Except in the counties, the representation of Ireland remains in what is here known by the name of close corporations. The animosities which formerly subsisted are anxiously kept up by the executive Government, who favour the determination to exclude the Roman Catholics from the corporations, so that their privilege is almost entirely evaded. They thus confer in theory a power which they are careful to defeat in practice. Those who esteem this privilege, then, must be fond of theories upon paper, and unconcerned about their practical effect. Yet the Presbyterians consider their grievances to consist in the abuses of the Government, which they have not means to remedy. They wish for the substantial blessings of the English constitution. They wish for the political principles on which that constitution is founded. Whoever imagines that a practical resemblance exists between the Government of Ireland and the English constitution, will find that the Irish Government is a mirror in which the abuses of this constitution are strongly reflected. I will not speak of the abuses of which we have been used to complain; but if I were desirous to reconcile any one to the abuses of the British constitution, it would be by a comparison with those of Ireland. Whatever may have been thought of the plans of Parliamentary reform which have been agitated here, still it was always admitted that the House of Commons should be at least a virtual representation of the people. It certainly was stating the point of virtual representation very high, when it was asserted in this House that though all the representatives of England were chosen by the county of Middlesex, it would be no reason for reform so long as such a Parliament discharged its duty as a Parliament. But are the people of Ireland unreasonable when they complain that they have not the advantage even of virtual representation? When they complain that the jobbing system of influence and patronage for purposes of personal advantage, is an abuse that totally destroys the spirit of their form of government, and a practical nuisance which cannot be endured? To suppose that a large, industrious, active, and intelligent body of men can be governed against the principles they have imbibed, and the prejudices by which they are guided, is an idea which history and human nature prove to be absurd. What is the situation of affairs with respect to Ireland? You have raised enormous burdens both in England and in Ireland. You have produced great discontents, and you are reduced to such a point that you must take a decided part. In fact, we now are precisely at the point in which we stood in 1774 with America, and the question is, whether we are to attempt to retain Ireland by force instead of endeavouring to gain her by concessions, and to conciliate her by conferring on her the substantial blessings of a free constitution? Whenever I see a Government desirous to decide by force against the will of the majority, in these circumstances I behold the danger of civil war. There is this difference now in our situation, that the state of our finances may deter us from encountering such hazardous enterprises. In the other case we were wealthy and prosperous. *Stultitiam patiuntur opes* might then be said of our situation; but now the critical state of our affairs, and the embarrassed condition of our finances forbid similar experiments. I hope and trust that the discontents which threaten the separation of Ireland will be dissipated without the necessity of a war. But now the extremity of rigour has been tried, the severity of despotism has been let loose, and the Government is driven to that state when the laws are not to be put in execution, but to be superseded. Ireland is precisely in that state which a person well acquainted with the subject defined to be despotism: 'Where the executive power is everything, and the rights of the people nothing.' At the beginning of the American contest, the province of Massachusets Bay was disarmed; but I do not think that if this province had been left armed, the separation of the American Colonies would have been accelerated. The people of Ireland are now in that state when, if they should choose to resist, a contest must ensue, the issue of which must be doubtful. In the commencement of the American war, I had made such an observation of the disposition of the regular governments of Europe, that I was convinced that France would aid America. In the present there can be no room for doubt that the French would make it a chief point of their policy to give assistance to the insurgents. But suppose you were to succeed in disarming the whole of the north of Ireland, you must keep them in subjection by force. If you do not allay their discontents, there is no way but force to keep them in obedience. Can you convince them by the musket that their principles are false? Can you prove to them by the bayonet that their pretensions are unjust? Can you demonstrate to them by martial law that they enjoy the blessings of a free constitution? No, it is said, but they may be deterred from the prosecution of the objects which you have determined to refuse. But on what is this founded? On the history of Ireland itself? No; for the history of Ireland proves that, though repeatedly subdued, it could not be kept in awe by force; and the late example will prove the effect which severity may be expected to produce. The character of the people of the north of Ireland has been severely stigmatized. For my own part, it is not my habit to admit a fixed dislike against any bodies of men, nor do I see anything in these to justify such dislike. But it is said, these men are of the old leaven They are indeed of the old leaven that rescued the country from the tyranny of Charles the First and James the Second; they are of that leaven which asserted and defended the principles of liberty; they are of that leaven which fermented and kneaded the British constitution. If these principles have been carried to excess, it is an excess to which I am more partial than to the opposite extreme. The opposition they have suffered is some apology. I am told, that the mode now adopted is this—to declare a country out of the King's peace, it is necessary that there should be a certificate from the magistrates; many of the magistrates are not natives of Ireland, or resident there, but Englishmen and officers of the fencible corps. Are the people to be told that these magistrates are acting only in a civil capacity? But have they not been provoked to violence? Have not several of the principal people of Belfast been taken up? The law is in that state, that men may be kept in prison without trial: Is that an inference of their guilt? I have seen the wanton prosecutions of Government in this country which juries happily checked. I have seen too much of these prosecutions to make me draw an inference of guilt from the circumstance of a man's being taken up. I have heard in Ireland of men being ignominiously arrested and carried to Dublin, who on their trials were found to be perfectly innocent, and ought not to have been suspected. The people of the north, attached to these men, were determined that they should not suffer in their property. The people worked for nothing; they reaped their harvests, on purpose to show either their good will to the parties, or their detestation, possibly, of the conduct of Government. This, however, was construed to be a heinous offence; the people were dispersed by the military; and when some were killed, the attending their bodies to the grave was deemed criminal, and the persons assisting were dispersed, as if they were doing an act against the State. That these things will goad, who can doubt? Is it not possible that they who prefer monarchy may find the exercise of it so bad as almost to doubt the excellence of a monarchical government? But, should the people even be totally subdued, can you do otherwise than keep up a large military force? But suppose the people submit—I put the case in that way—can you trust to such a situation? Will their submission to laws which they detest, last longer than your power lasts, and their impotency? Will you continue to keep up your force? During the war, I believe you will. But can Ireland afford to maintain it during peace? Is it the way to persuade the Catholics to assist you, to refuse acceding to their demands? I have heard that a direct application has been made, not from the Catholic peasantry, but from the Catholic nobility; a strong and urgent application to the

Government to grant the remainder of their demands. I have been told, what certainly it was unnecessary to tell me, that these applications have been unsuccessful. To refuse all these demands, to determine to govern Ireland by military force, to risk a civil war; which of these evils is the worst I know not.

"But it may be said, what is to be done? My general principle is to restore peace on principles of peace, and to make concessions on principles of concession. I wish members to read that celebrated speech of Mr. Burke on the subject of such concessions.* Let them read that beautiful display of eloquence, and at the same time of sound reasoning, and they will find in it all those principles which it is my wish to have adopted. There is another expression of that gentleman's, I believe, in his letter to the people of Bristol. In that letter he says, that 'that is a free government which the people who live under it conceive to be so.' Apply this to Ireland; make it such a government as the people shall conceive to be a free one. But it is said, it is not possible to satisfy all persons. It may be so. But is there one concession that could be made to the Roman Catholics which the people in the north of Ireland could object to? Is there one grievance which could be remedied in the north, to which the Roman Catholics would object? They have no inconsistent pretensions, no clashing interests. The concessions to be made to the different parties are not inconsistent; the one party will not repine at the satisfaction which the other obtains. Who, then, would be dissatisfied by such concessions? Not the aristocracy, for I will not call it by so respectable a name. And is that miserable monopolizing minority to be put in the balance with the preservation of the empire and the happiness of a whole people? The Irish wish to have a reform, upon an extended scale; they desire an extension of popular rights. But may there not be a conciliation and compromise? In the declaration of the people of Belfast, I see that they do most distinctly state, that they conceive all the benefits of freedom may be enjoyed under a government of king, lords, and commons. What, then, is it that the people wish for? They wish the House of Commons to be differently constituted. I think them right. They desire a diminution of patronage, and they may go the extraordinary length of saying, that it is not right to have a Church in all its splendour, which is applicable only to a small part of the inhabitants. But do not these things admit of temperate discussion and satisfactory compromise? What, they ask, is a constitution such as Great Britain has, according to some, and such as she ought to have, according to others—a government which shall virtually express the will of the people; and if, in treating with them, you should fail, you will then have to resort to violent measures; you will then have to divide the people, as Mr. Burke said—not to divide the people of Massachusetts from the people of Virginia—not to divide Boston from Carolina—not, I say, to divide Ulster from Connaught, and Leinster from Munster, but you will have to divide the people who wish for the constitution from those who wish to destroy it. These are the divisions which I wish for. But conciliation, it may be said, will not do. If it will not, then only may we have recourse to arms. Could there be a worse period for the country in point of credit and resources? Sure I am, that we cannot do worse, than at the end of one war, to adopt measures to bring on another. I would therefore concede; and if I found I had not conceded enough, I would concede more. I know of no way of governing mankind but by conciliating them; and according to the forcible way which the Irish have of expressing their meaning, 'I know of no mode of governing the people, but by letting them have their own way.' And what shall we lose by it? If Ireland is governed by conceding to all her ways and wishes, will she be less useful to Great Britain? What is she now? Little more than a diversion for the enemy. If you keep Ireland by force now, what must you do in all future wars? You must, in the first place, secure her from insurrection. I will therefore adopt the Irish expression, and say, that you can only govern Ireland by letting her have her own way. The consequences of a war with Ireland are dreadful to contemplate; public horrors would be so increased by the laceration of private feelings, as to spread universal misery through both countries; the connexion is so interwoven between the individuals of the two countries that no rupture can happen without wounding the most tender friendships and the most sacred ties. Rigour has already been attempted; let concession and conciliation then be tried before the last appeal is hazarded. My wish is that the whole people of Ireland should have the same principles, the same system, the same operation of government, and, though it may be a subordinate consideration, that all classes should have an equal chance of emolument: in other words, I would have the whole Irish government regulated by Irish notions and Irish prejudices; and I firmly believe, according to another Irish expression, the more she is under the Irish government, the more will she be bound to English interests.

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* *Vide* vol. i. p. 530, *et seq.*

"One word or two on the subject of Lord Fitzwilliam's administration. He went to Ireland, and, after a short residence, was recalled.* I wish to ask those who know that country best, whether the day of his departure was not a day of the greatest sorrow? That his lordship has many qualities to render him popular, I know; but his popularity in Ireland was derived from this circumstance, that he went upon the principle of concession. What happened after his departure? Those who look only superficially at events boasted that the effects which had been predicted in consequence of his lordship's recall, did not happen. The Catholic petition was rejected. I said that these appearances were deceitful, that the effects might not be immediate, but would be certain. See what has happened, and say whether you cannot conceive that great part of the present distracted state of the country has been produced by the hopes of the people having been disappointed, and by the cup of enjoyment having been dashed from their lips.

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* On the 10th of December, 1794, Lord Fitzwilliam was appointed Lord Lieutenant of Ireland. He returned to England on the 25th of March following.

You may now be in a situation somewhat similar. The measures you have adopted may produce apparent quiet, but I warn you against premature exultation. That the present state of Ireland can afford no satisfaction, all must admit. That there is so great a part of the King's subjects as the county of Down contains, out of the King's peace and the pale of the constitution, is a circumstance which we must all lament; and should it lead to civil dissension, there is no man, I am sure, but will feel the horrible situation in which individuals would be involved, and the calamities that would be entailed upon the public. Sir, I say, therefore, try conciliation, but do not have recourse to arms, which, if once attempted to a considerable degree, cannot be remedied or recalled. In case of civil dissension, whom can you rely upon? Not upon that small party of monopolists, many of whom could not bring so many men into the field, as they bring members into Parliament. I can scarcely conceive that any objection can be urged against the present motion in point of form. The interests of this country and of Ireland are the same; its affairs are conducted by Ministers and the British Cabinet, and it is the privilege of this House to advise his Majesty. If I were to justify the measure by precedent, I might quote the case of an impeachment of the Earl of Lauderdale by the English Parliament, before the Union, for his conduct of the government of Scotland. But why should I speak of forms when the consequence of the discontents in Ireland may be a contest to be supported by Englishmen and English money? I therefore move, Sir, 'That an humble address be presented to his Majesty, that his Majesty will be graciously pleased to take into his royal consideration the disturbed state of his kingdom of Ireland, and to adopt such healing and lenient measures as may appear to his Majesty's wisdom best calculated to restore tranquillity, and to conciliate the affections of all descriptions of his Majesty's subjects in that kingdom to his Majesty's person and government.'"

This motion was seconded, in an animated speech, by Sir Francis Burdett, and supported by Mr. William Smith, Lord Wycombe, Mr. Curwen, Mr. Courtenay, and Mr. Hobhouse; and was opposed by Mr. Pitt, Lord Hawkesbury, and Lord Frederick Campbell. On a division, the numbers were—Yeas, 84; Noes, 220. So it passed in the negative.

MR. FOX'S MOTION FOR THE REPEAL OF THE SEDITION ACT.*

May 19. This day, in pursuance of the notice he had given,

Mr. Fox rose and said:—"I shall not have occasion, Sir, to detain the House for any considerable length of time in stating the reasons that induce me to call their attention to the memorable acts of the last Parliament, a motion for the repeal of which I intimated before the holidays; nor will it be necessary for me to say much in answer to the misrepresentations that have been made on account of my having delayed the motion so long. The circumstances that have recently occurred, particularly the measure of the Stoppage of Cash Payments at the Bank,* so totally engrossed the public attention, and engaged the time of the House, that I did not think it right to bring forward this discussion, and instead of deferring it by adjournments from week to week, I directly and openly announced it for the present period. I have never, Sir, had but one opinion of the two obnoxious bills, which, at the time they were passed, I conceived to be most portentous to the country. Every reflection that I have made upon the subject, and all the experience that we have had since they were passed, have served to corroborate my original feeling, and therefore it is that I now rise to move for the repeal of those two laws.

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* For the provisions of this Act, *vide ante*, p. 573, note.

"With respect to one of the two bills, that which came to us from the Lords, under the title of 'A Bill for the better Preservation of his Majesty's Person and Government against treasonable Practices,' I shall make but one or two observations, though every part of it continues to excite my heartfelt abhorrence. The first great objection to that act is, that it extends unnecessarily the statutes of treason, and carries them to a length by no means consistent with sound policy as to their avowed object, the King's safety, nor consistent with the tranquillity and constitution of the realm. The memorable statute of Edward the Third was found to be sufficient to prevent the crime of treason; and experience has taught us that all the forced constructions that have been put on that statute have served rather to lower than to heighten its force. Its operation has proved that the life of the King is sufficiently guarded, and every extension of it beyond that great and national object has only served to take away the reverence which its simplicity excited in the hearts of the people. That simplicity impressed upon the mind a sanction which it was impossible to derive from intricate and nice constructions. The people saw, in its noble and generous frame, security for themselves; by the reverence in which it held the sacred person of their King, they saw that, for the security of his person, even the imagination of his death was provided against; and the law was so clearly defined, so short, and so simple, that no danger to the well-meaning could be created by its operation. In the reign of Queen Elizabeth laws were enacted for the preservation of her person and government, for which the turbulence of the times was the apology, but which no person could contemplate without indignation. In the period of King Charles the Second, similar suspicions were entertained of numbers of persons being disaffected to the Government, and some severe and scandalous laws were enacted for the preservation of the King's person. What is the impression that these laws have made upon every person who has attentively considered the history of the times? That they were enacted upon a consciousness that the conduct of the Government was such as to provoke disaffection in the minds of the people; and this must always be the effect of rigorous and severe laws. It was made highly penal to say that Charles the Second was a Papist. Why? Because, in truth, he was so. No law would in the present day be thought necessary for the preservation of the character of George the Third, against the charge of his being a Roman Catholic, because any such charge would be too contemptible for notice. His Majesty's well-known character is the best protection against such an imputation, and the very enacting of such a law would betray a consciousness that there was ground for the imputation. The laws of Charles the Second were made in this spirit; they were received by the people, and have been received by posterity in this spirit; and such laws can never have any other effect than to excite similar suspicions, and to weaken the Government which they profess to support. The only other part of the bill to which I shall allude, and which, in my mind, is very important, is the provision with respect to political libels. It enacts that, upon a second conviction, judges may be enabled to inflict punishments of a kind so barbarous and inhuman as to shock the heart of man. When you look back to the judgments that have been passed in former periods of our history, when you reflect on the prejudices and passions to which our frail nature is subject, when you think on the possibility that judges may be as servile, as corrupt, or as cruel in future times as they have been in past, you will, perhaps, be able to form a just estimate of the character of a law that enables them to inflict a punishment of so dreadful a kind for an offence so indefinite and doubtful as a political libel. You will think with me, that the punishment of fine and imprisonment is fully sufficient to the crime, if crime it be, of publishing the most extravagant political opinion as to the form of governing a community. If this bill had passed a century ago, how many men, whose estimable characters have made them dear to mankind, might have been banished to Botany Bay, and condemned by the barbarous sentence of an inhuman judge to the society of a set of beings whom vice had degraded, and crimes of every nature had expelled from all rational intercourse with man! Would not the writings of Locke, writings that have so greatly enlightened and benefited the country, have probably condemned their author to this horrible exile? But, without going back to a period so distant, can we deny that, in a period much nearer our own times, the violence of factious spirit might have hurried even judges of our own day to the infliction of this detestable punishment if this law had then had existence? In the beginning of the present reign complaints were made of the atrocious character of the public libels then published, and in the heat and fury of zeal, prosecutions were carried on with a bitterness upon which no person of moderation can reflect without shame and regret. Personal considerations mixed with the motives of public decorum; and though I hope they did not influence either the prosecutors or the judges, yet I submit to the House, whether the temper of the times was not such as to make it highly probable that Mr. Alderman Wilkes, upon his second conviction, might have been doomed to this horrid fate. I am not sure that our nature is so likely to be purified by public situations of trust and power, as to be superior to all base and malignant passions; and I am not sure but that, in the spirit of those times, Mr. Wilkes might have been the victim of a persecuting rage. I have not the honour of that gentleman's acquaintance, nor have I, in the course of our political lives, frequently agreed with him in opinion; but now that the intemperance of the time is past, I submit to the House what must be the feeling of every liberal heart at the idea of condemning a person of such high attainments, so dear to the society in which he lives, so exemplary as a magistrate, and who has shown himself to be so zealous a defender of the prerogatives of the Crown, to a punishment so degrading and so abhorrent. And yet, if the law had existed, would it not have been executed? If it had existed but a few years ago, would it not have been executed in many other instances, if juries could have been found to second the wishes of Government? Of the willingness of Government to go to the full extent of this inhuman law, Scotland has given us an indubitable proof. Scotland was said to have had this barbarous law, though it had never been acted upon. It was asserted, that there a law existed of so barbarous a tendency, as to enable the judges to banish a man from all civilized society, and condemn him to live at the extremity of the earth with the most degraded of his species for publishing extravagant opinions as to the form of governing a community. I am convinced, not merely on the authority of the most learned persons of that country, but on the information that I have been able to acquire for myself, that no such law did exist in Scotland, and that those who acted upon it will one day be brought to a severe retribution for their conduct. But the apprehension of the existence of such a law has displayed to us the character of our Government, and proved that we have a Ministry capable of condemning their fellow-creatures to this monstrous punishment, for the mere exposition of tenets on Government different from their own. They made it their boast that, by means of this law, they had gained the triumph of political opinion, and the sacrifice of a number of human beings, of enlightened minds and of moral character, for the mere offence of carrying doctrines to excess—for I admit that, in some instances, they carried their doctrines to excess. The publication of political opinion; that was the crime. What was the punishment? Death, of the most aggravated, of the most procrastinated, of the most cruel nature. They were sent not into banishment merely, but sunk and degraded to an association with villany, and ignorance, and crime; sent to a country where, possibly, their health might be affected by the climate; but that was little in consideration of the despondency of their own feelings. I speak of one in particular—of Mr. Gerrald,* whose elegant and useful attainments made him dear to the circles of literature and taste; bred to enjoyments in which his accomplishments fitted him to participate, and endowed with talents that rendered him valuable to his country, he, among others, was the object of this persecuting spirit; the punishment to such a man was certain death, and, accordingly, he sunk under the sentence, the victim of virtuous, wounded sensibility. There may be times of alarm when men, under the influence of terror, become insensible to the dictates of justice and humanity. It has been truly said that no passion is so calculated to harden the heart, and to make it sanguinary, as great fear; and accordingly we find that the most inhuman tyranny has always had its foundation in the hearts of those whose actions condemned them to incessant terror. In a moment of alarm, real or artificial, it is not to be wondered at that nations, as well as individuals, should be lost to the dictates of reason and humanity. Ministers succeeded in spreading an alarm over this country, under the influence of which they made Englishmen forget and forego their natural feelings of justice and humanity; but now that this time is happily past, I trust that we shall also recover our genuine feelings, and that we shall not suffer an act to exist upon the statute book, so disgraceful to our criminal code, and by which, in some future moment of passion, new acts of horror, under the name of judicial punishment, may be perpetrated.

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* *Vide ante*, p. 620.

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* *Vide ante*, p. 526, note.

"These are the two principal features of that act that merit your attention. With respect to the other act, for the prevention of seditious meetings and assemblies, without inquiring whether the rights taken away by that act were proper subjects of legislation, I may, at least, doubt the propriety of their being made so. The statute clearly affects rights which, in their very nature and essence, must have been antecedent to the power of legislation; and it is not merely a question of morality, but of the highest political prudence, whether rights that are principles, rights which make the foundation of the Legislature itself, and without which no legislation can be legitimate, ought to be made the provisions of a statute. It is a manifest axiom in a popular government, that man has the fundamental right to state his opinion; this right must be recognised, since it was on the exercise of this right that the Government itself was formed. Need I illustrate the doctrine? It is recognised in the Bill of Rights. No man will deny that the right of petition to Parliament is as inherent to the people of England as the right of petition to the Crown. Why, then, did not the Bill of Rights state the one as well as the other? Why? but because the one had been attacked and questioned, not the other: and it has been truly said of the Bill of Rights, that it only asserted the privileges which had been outraged; it did not enumerate all the rights which had not come into dispute. But it is said that this is not the first instance in which difficulties have been thrown in the way of petition; and reference is made to the act of Charles the Second, in which distinction is made between assemblies convoked by the sheriff, persons entitled to the elective franchise, and other persons. No argument, in my mind, can be so dangerous as that which raises distinctions as to the right of petition. To say that those only enjoy the right of petition who possess the elective franchise, is to bring it into danger; good sense would make the argument go the other way; for surely if any description of persons more than another ought to enjoy the right of petition, it is those persons who, having no vote at elections, have no representatives in this House to whom they can directly apply, and who may be made the organ of their sentiments. But I deprecate and deplore these distinctions, since every class of the community ought to have this right secured to them, and be made as free to this privilege as to the air they breathe. This act is outrageous, because it throws difficulties in the way of the exercise of the right, and enables sheriffs to prevent meetings; and it has been proved, that since the passing of this act more refusals have been given by magistrates than in any former period. This has been particularly the case since recent calamities have disposed the country to assemble so generally to petition for the dismission of Ministers. Very extraordinary reasons have been assigned by some of them for refusing to convoke meetings. The sheriff of Suffolk refused because the subject had been debated in Parliament, and because he was going to London. Another magistrate refused, though called upon by a numerous body of persons, because he would not disturb the unanimity of the county. The power of dispersing meetings was as obnoxious as the refusal to convoke them. In the county in which I live, the sheriff, after putting the question, said there was a visible majority of votes, but because he did not know whether they were all freeholders that were present, he refused to sign the proceedings and give validity to the record. Another person on this capricious objection could not take the chair because the sheriff had the power to disperse the meeting; and thus an attempt was made to defeat the petition in the county of Surrey, even under the colour of complying with the statute. In many other cases difficulties have been found that make it vexatious, and almost impossible to exercise this right under the provisions of this act. It requires so much trouble to comply with all the provisions of the act where the meeting is not called by the regular magistrate, that it is next to an impossibility to carry the exercise of the right generally into effect. In some instances, where zeal and perseverance had conquered every obstacle, inconveniences were suffered that would deter men on ordinary occasions from assembling. In Westminster, for instance, where the meeting was called in strict conformity to the act, the day of meeting was most unfavourable in point of weather, but it was found inconvenient to adjourn, because they must have renewed all the formalities required by the statute. And what is the benefit expected to be derived from all this? Are provisions like these likely to alter the minds of men? Are they calculated to prevent communication, and stifle the opinions and discontents of a people? If it were a new and abstract question, there might, perhaps, be a difference of opinion upon the subject; but, unfortunately, a book is laid open to us, in which we may read, in most legible characters, the true character and consequences of such a measure—that book is the kingdom of Ireland. In the year 1794 a Convention Bill was passed in Ireland to prevent meetings of the people. What was the consequence? Ministers boasted of the success of the measure: they flattered themselves they had succeeded in preventing meetings; but I have now the authority of the Parliament of Ireland for saying, that what they had prevented publicly had been done in private; and that ever since the year 1791 meetings of the people had been held, which, up to the year 1795, were small and insignificant —small, because up to that time they still had the power of meeting in public, and discussing their grievances openly and without reserve. Up to the year 1794, then, they were small and harmless—but then comes the Convention Bill, that forces them into clandestine and secret meetings by midnight; then comes correspondence with the foreign enemy, and all the terrifying and alarming plots which the report of the House of Lords of Ireland has ascribed to the people of that distracted country. What deplorable ignorance of the human heart to think that, by a mere Convention Bill, to prevent the meetings without redressing grievances, they could make men forget by making them silent! What criminal ignorance to conceive that, by damming up a torrent, it would not force its way in another direction! But it seems that, as our act has not yet produced the same effects in England, we must not go for instruction to the sister kingdom. I see no sense in any such argument: human nature is the same in all countries; if you prevent a man who feels himself aggrieved from declaring his sentiments, you force him to other expedients for redress. Do you think that you gain a proselyte where you silence a declaimer? No; you have only by preventing the declaration of grievances in a constitutional way forced men to more pernicious modes of coming at relief. In proportion as opinions are open, they are innocent and harmless. Opinions become dangerous to a state only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy. Do you believe it possible that the calamity which now rages in Ireland would have come to its present height if the people had been allowed to meet and divulge their grievances? Publicity makes it impossible for artifice to succeed, and designs of a hostile nature lose their danger by the certainty of exposure. But it is said that these bills will expire in a few years; that they will expire when we shall have peace and tranquillity restored to us. What a sentiment to inculcate! You tell the people that when everything goes well, when they are happy and comfortable, then they may meet freely, to recognise their happiness, and pass eulogiums on their government; but that in a moment of war and calamity, of distrust and misconduct, it is not permitted them to meet together, because then, instead of eulogizing, they might think proper to condemn Ministers. What a mockery is this! What an insult to say that this is preserving to the people the right of petition! To tell them that they shall have a right to applaud, a right to rejoice, a right to meet when they are happy, but not a right to condemn, not a right to deplore their misfortunes, not a right to suggest a remedy! I hate these insidious modes of undermining and libelling the constitution of the country. If you mean to say, that the mixed and balanced Government of England is good only for holidays and sunshine, but that it is inapplicable to a day of distress and difficulty, say so. If you mean that freedom is not as conducive to order and strength as it is to happiness, say so; and I will enter the lists with you, and contend, that among all the other advantages arising from liberty, are the advantages of order and strength in a supereminent degree, and that, too, in the moment when they are most wanted. Liberty is order. Liberty is strength. Good God, Sir, am I, on this day, to be called upon to illustrate the glorious and soothing doctrine? Look round the world and admire, as you must, the instructive spectacle! You will see that liberty not only is power and order, but that it is power and order predominant and invincible; that it derides all other sources of strength; that the heart of man has no impulse, and can have none that dares to stand in competition with it; and if, as Englishmen, we know how to respect its value, surely the present is the moment of all others when we ought to secure its invigorating alliance. Whether we look at our relative situation with regard to foreign powers, with regard to the situation of the sister kingdom, and with regard to our own internal affairs, there never was a moment when national strength was so much demanded, and when it was so incumbent upon us to call forth and embody all the vigour of the nation, by rousing, animating, and embodying all the love of liberty that used to characterise the country, and which, I trust, is not yet totally extinct. Is this a moment to diminish our strength, by indisposing all that part of the nation whose hearts glow with ardour for their original rights, but who feel with indignation that they are trampled upon and overthrown? Is not this a moment when, in addition to every other emotion, freedom should be roused as an ally, a supplementary force, and a substitute for all the other weak and inefficient levies that have been suggested in its stead? Have we not been nearly reduced to a situation when it was too perilous, perhaps, to take the right course? May we not be again called upon for exertions that will demand the union of every hand and every heart in the kingdom? What might not this House do, if this House had the opinion of the country with it? Do not let us say, then, that we are to increase the force of the country by stifling opinion. It is only by promoting it, by giving facility to its expression, by meeting it with open hearts, by incorporating ourselves with the sense of the nation, that we can again revive that firm and compact power of British strength that sprung out of British liberty.

"Sir, I will not trouble you with more on the subject. In proportion as you throw difficulties in the way of petition, you deprive yourselves of strength; you alienate every heart whose voice you stifle; you drive men to correspondence with foreign nations when you debar them from corresponding with you; and this, if we may believe the report of the Irish Parliament, was the case with Ireland. When she petitioned, addressed, and remonstrated, she had no power; but from small beginnings, that is small, until a Convention Bill had passed, until a Powder Bill had passed, and all the other acts of insanity and rigour, she rose from small meetings of mere petition, to a concerted, armed, and embodied union of one hundred thousand persons. Good God! shall we not, speaking the same language, possessing the same character, struggling for the same constitution, take warning from the example that is set, and conciliate the people of England? Or shall we, with our eyes open, run upon our destiny, as ancient fables tell of men devoted running into the jaws of the perdition to which they were doomed? Sir, the present times hold out examples too legible for mistake. If demonstration shall fail to work upon us, we are undone; and if any truth has been more strikingly illustrated than another, it is this, that you shall not touch the liberty of the lower classes of the people without making the higher orders pay a severe retribution. You shall not take away one privilege, you shall not diminish one right, without suffering ten-fold, fifty-fold, an hundred-fold, yourselves. You shall not commit changes upon the people without changing your own power into weakness, your economy into profusion. These are the doctrines applicable to these times. As men become enlightened, they advance in liberty; in that career seldom are any found retrogade; and in proportion to their advances you must concede to them. It has been said, as an argument against the emancipation of slaves, that the negroes are not sufficiently enlightened for freedom. The French mulattoes, it is owned, are more capable of enjoying it; and passing from them to the most enslaved nations of Europe, we see that the approach of light makes it necessary for the governor to acknowledge at length that they are human. But shall the preposterous imagination be fostered, that Englishmen, bred in liberty, the first of human kind who asserted the glorious distinction of forming for themselves their social compact, can be condemned to silence upon their rights? Is it to be conceived that men who have enjoyed for such a length of days the light and happiness of freedom, can be restrained and shut up again in the gloom of ignorance and degradation? As well, Sir, might you try, by a miserable dam, to shut up the flowing of a rapid river; the rolling and impetuous tide would burst through every impediment that man might throw in its way, and the only consequence of the impotent attempt would be, that, having collected new force by its temporary suspension, enforcing itself through new channels, it would spread devastation and ruin on every side. The progress of liberty is like the progress of the stream; it may be kept within its banks; it is sure to fertilize the country through which it runs; but no power can arrest it in its passage; and short-sighted, as well as wicked, must be the heart of the projector that would strive to divert its course." Mr. Fox concluded by moving for leave to bring in a bill to repeal the act passed in the last session "for the more effectually preventing seditious meetings and assemblies."

After the motion had been opposed by Mr. Serjeant Adair, Mr. Elford, Sir R. C. Glynn, Colonel Fullarton, Mr. Ellison, and others, the House divided: Yeas, 52; Noes, 260. So it passed in the negative.

Mr. Grey's Motion for a Reform in Parliament.

May 26. Mr. Grey, in pursuance of previous notice, moved this day, "That leave be given to bring in a bill to amend and regulate the election of members to serve in the Commons House of Parliament." He proposed that the qualification for county electors should remain as it was, but that the members they returned should be increased from ninety-two to one hundred and thirteen. For instance, instead of two for the county of York, that there should be two for each riding; and so in other counties where the present representation was not proportionate to the extent of population. The next alteration referred to the mode of return. In order to put an end to compromises, each county or riding should be divided into grand divisions, each of which should return one representative. With regard to the qualifications of electors for counties, instead of confining the right of election to freeholders, it should be extended to copyholders and lease-holders, holding leases for a certain term of years, and paying a certain annual rent. The reform which he had to propose in the other branch of the representation was of a much more extensive nature. It was, that the remaining four hundred members should be returned by one description of persons alone, namely, householders; and that a portion of the smaller boroughs should be enfranchised. If it were possible, one person should not be permitted to vote for more than one member of Parliament. In order to prevent expense, the poll ought, he said, to be taken throughout the whole kingdom at one time. This was the outline of his plan; to state that it could be obtained at first with exactness, or that it was not liable to difficulties, would be presumptuous and absurd. But he flattered himself, it was not liable to any insuperable objections. By this scheme, he contended that the landowner would find his property suitably represented; the merchant, support in the householders; and men of respectability and talents in the different professions would find a fair door open for admission into Parliament. The only persons whom he wished to exclude from that House were men who were neither possessed of landed property, nor engaged in commercial enterprise, nor professors of any particular science; but men, who, without property, without industry, and without talents, obtained seats in the House of Commons by the influence of great men, for the purpose, not of consulting the good of the people, but of promoting their own interests. The motion was seconded in an eloquent speech by Mr. Erskine; and supported by Sir Francis Burdett, Sir Richard Hill, Mr. Milbanke, Mr. Sheridan, Mr. Barham, Mr. William Smith, Mr. Pollen, and Sir William Dolben. It was opposed by Mr. Pitt, Mr. Robert Thornton, Sir William Geary, Lord Hawkesbury, Sir William Young, and Sir Gregory Page Turner. At the close of the debate,

Mr. Fox rose and spoke as follows:—“ Much and often, Sir, as this question has been discussed, and late as the hour is, I feel it my duty to make some observations, and to deliver my opinion on a measure of high importance at all times, but which, at the present period, is become infinitely more interesting than ever. I fear, however, that my conviction on this subject is not common to the House. I fear that we are not likely to be agreed as to the importance of the measure, nor as to the necessity;

since, by the manner in which it has been discussed this night, I foresee that, so far from being unanimous on the proposition, we shall not be agreed as to the situation and circumstances of the country itself, much less as to the nature of the measures which, in my mind, that situation and those circumstances imperiously demand. I cannot suppress my astonishment at the tone and manner of gentlemen this day. The arguments that have been used would lead the mind to believe that we are in a state of peace and tranquillity, and that we have no provocation to any steps for improving the benefits we enjoy, or retrieving any misfortune that we have incurred. To persons who feel this to be our situation, every proposition tending to meliorate the condition of the country must be subject of jealousy and alarm; and if we really differ so widely in sentiment as to the state of the country, I see no probability of an agreement in any measure that is proposed. All that part of the argument against reform which relates to the danger of innovation, is strangely misplaced by those who think with me that, so far from procuring the mere chance of practical benefits by a reform, it is only by a reform that we can have a chance of rescuing ourselves from a state of extreme peril and distress. Such is my view of our situation. I think it so perilous, so imminent, that though I do not feel conscious of despair—an emotion which the heart ought not to admit—yet it comes near to that state of hazard when the sentiment of despair, rather than of hope, may be supposed to take possession of the mind. I feel myself to be the member of a community, in which the boldest man, without any imputation of cowardice, may dread that we are not merely approaching to a state of extreme peril, but of absolute dissolution; and with this conviction impressed upon my mind, gentlemen will not believe that I disregard all the general arguments that have been used against the motion on the score of the danger of innovation from any disrespect to the honourable members who have urged them, or to the ingenuity with which they have been pressed; but because I am firmly persuaded that they are totally inapplicable to the circumstances under which we come to the discussion. With the ideas that I entertain, I cannot listen for a moment to suggestions that are applicable only to other situations and to other times; for unless we are resolved pusillanimously to wait the approach of our doom, to lie down and die, we must take bold and decisive measures for our deliverance. We must not be deterred by meaner apprehensions. We must combine all our strength, fortify one another by the communion of our courage; and, by a seasonable exertion of national wisdom, patriotism, and vigour, take measures for the chance of salvation, and encounter with unappalled hearts all the enemies, foreign and internal—all the dangers and calamities of every kind which press so heavily upon us. Such is my view of our present emergency; and, under this impression, I cannot for a moment listen to the argument of danger arising from innovation, since our ruin is inevitable if we pursue the course which has brought us to the brink of the precipice.

"But before I enter upon the subject of the proposition that has been made to us, I must take notice of an insinuation that has, again and again, been flung out by gentlemen on the other side of the House on party feelings, in which they affect to deplore the existence of a spirit injurious to the welfare of the public. I suspect, by the frequent repetition of this insinuation, that they are desirous of making it believed, or that they understand themselves by the word party feelings, an unprincipled combination of men for the pursuit of office and its emoluments, the eagerness after which leads them to act upon feelings of personal enmity, ill-will, and opposition to his Majesty's Ministers. If such be their interpretation of party feelings, I must say, that I am utterly unconscious of any such feeling; and I am sure that I can speak with confidence for my friends, that they are actuated by no motives of so debasing a nature. But if they understand by party feelings, that men of honour, who entertain similar principles, conceive that those principles may be more beneficially and successfully pursued by the force of mutual support, harmony, and confidential connexion, then I adopt the interpretation, and have no scruple in saying, that it is an advantage to the country; an advantage to the cause of truth and the constitution; an advantage to freedom and humanity; an advantage to whatever honourable object they may be engaged in, that men pursue it with the united force of party feeling; that is to say, pursue it with the confidence, zeal, and spirit, which the communion of just confidence is likely to inspire. And if the honourable gentlemen apply this description of party feeling to the pursuit in which we are engaged, I am equally ready to say, that the disastrous condition of the empire ought to animate and invigorate the union of all those who feel it to be their duty to check and arrest a career that threatens us with such inevitable ruin. For, surely, those who think that party is a good thing for ordinary occasions, must admit that it is peculiarly so on emergencies like the present; it is peculiarly incumbent upon men who feel the value of united exertion, to combine all their strength to extricate the vessel when in danger of being stranded.

"But gentlemen seem to insinuate that this union of action is directed more against persons than measures, and that allusions ought not to be made to the conduct of particular men. It is not easy to analyze this sort of imputation, for it is not easy to disjoin the measure from its author, nor to examine the origin and progress of any evil without also inquiring into and scrutinizing the motives and the conduct of the persons who gave rise to it. How, for instance, is it possible for us to enter into the discussion of the particular question now before the House, without a certain mixture of personal allusion? We complain that the representation of the people in Parliament is defective. How does this complaint originate? From the conduct of the majorities in Parliament. Does not this naturally lead us to inquire whether there is not something fundamentally erroneous in election, or something incidentally vicious in the treatment of those majorities? We surely must be permitted to inquire whether the fault and calamity of which we complain is inherent in the institution, in which nothing personal is to be ascribed to Ministers, as it will operate in a more or less degree in all the circumstances in which we may find ourselves; or whether it is not an occasional abuse of the original institution, applicable only to these times and to these men, in which they are peculiarly guilty, but from which system representation itself ought to stand absolved.

"I put the question in this way, in order to show that a certain degree of personality is inseparable from the discussion, and that gentlemen cannot with justice ascribe to the bitterness of party feelings, what flows out of the principle of free inquiry. Indeed, this is a pregnant example of there being nothing peculiarly hostile to persons in this subject; it is not a thing now taken up for the first time, meditated and conceived in particular hostility to the right honourable the Chancellor of the Exchequer. Be it remembered, that he himself has again and again introduced and patronized the same subject, and that on all the occasions on which he has brought it forward it has invariably received my approbation and support. When he brought it forward first, in the year 1782, in a time of war, and of severe public calamity, I gave to the proposition my feeble support. Again, when he brought it forward in 1783, at a time when I was in a high office in his Majesty's service, I gave it my support. Again, in 1785, when the right honourable gentleman himself was in place, and renewed his proposition, it had my countenance and support. I have invariably declared myself a friend to parliamentary reform, by whomsoever proposed; and though in all the discussions that have taken place, I have had occasion to express my doubt as to the efficacy of the particular mode, I have never hesitated to say that the principle itself was beneficial; and that though not called for with the urgency which some persons, and, among others, the right honourable gentleman, declared to exist, I constantly was of opinion that it ought not to be discouraged. Now, however, that all doubt upon the subject is removed by the pressure of our calamities, and the dreadful alternative seems to be, whether we shall sink into the most abject thraldom, or continue in the same course until we are driven into the horrors of anarchy, I can have no hesitation in saying, that the plan of recurring to the principle of melioration which the constitution points out, is become a desideratum to the people of Great Britain. Between the alternatives of base and degraded slavery on the one side, or of tumultuous, though, probably, short-lived anarchy on the other, though no man would hesitate to make his choice, yet, if there be a course obvious and practicable, which, without either violence or innovation, may lead us back to the vigour we have lost, to the energy that has been stifled, to the independence that has been undermined, and yet preserve everything in its place, a moment ought not to be lost in embracing the chance which this fortunate provision of the British system has made for British safety.

"This is my opinion, and it is not an opinion merely founded upon theory, but upon actual observation of what is passing in the world. I conceive, that if we are not resolved to shut our eyes to the instructive lessons of the times, we must be convinced of the propriety of seasonable concession. I see nothing in what is called the lamentable example of France to prove to me that timely acquiescence with the desires of the people is more dangerous than obstinate resistance to their demands; but the situations of Great Britain and France are so essentially different, there is so little in common between the character of England at this day, and the character of France at the commencement of the Revolution, that it is impossible to reason upon them from parity of circumstances or of character. It is not necessary for me, I am sure, to enter into any analysis of the essential difference between the character of a people that had been kept for ages in the barbarism of servitude, and a people who have enjoyed for so long a time the light of freedom. But we have no occasion to go to France for example; another country, nearer to our hearts, with which we are better acquainted, opens to us a book so legible and clear, that he must be blind indeed who is not able to draw from it warning and instruction; it holds forth a lesson which is intelligible to dulness itself. Let us look to Ireland, and see how remarkably the arguments and reasoning of this day tally with the arguments and reasoning that unfortunately prevailed in the sister kingdom, and by which the King's Ministers were fatally able to overpower the voice of reason and patriotism, and stifle all attention to the prayers and applications of the people. It is impossible for any coincidence to be more perfect. We are told that there are in England, as it is said there were in Ireland, a small number of persons desirous of throwing the country into confusion, and of alienating the affections of the people from the established government.

"Permit me, Mr. Speaker, in passing to observe, that the right honourable the Chancellor of the Exchequer did not represent my learned friend (Mr. Erskine) quite correctly, when he stated that my learned friend admitted the existence of such men. On the contrary, the argument of my learned friend was hypothetical; he said, if it be true, as it is so industriously asserted, that such and such men do exist in the country, then surely in wisdom you ought to prevent their number from increasing by timely conciliation of the body of moderate men, who desire only reform. In this opinion I perfectly acquiesce with my learned friend. I believe that the number of persons who are discontented with the Government of the country, and who desire to overthrow it, is very few indeed. But the right honourable gentleman says that the friends of moderate reform are few, and that no advantage is to be gained by conceding to this very small body what will not satisfy the violent, which he contends is more numerous; and he vehemently demands to know whom he is to divide, whom to separate, and what benefit he is to obtain from this surrender? To this I answer, that if there be two bodies, it is wisdom, it is policy, to prevent the one from falling into the other, by granting to the moderate what is just and reasonable. If the argument of the right honourable gentleman be correct, the necessity for concession is more imperious; it is only by these means that you can check the spirit of proselytism, and prevent a conversion that by and by will be too formidable for you to resist. Mark this, and see how it applies to the precedent of Ireland. In the report that has been made by the Parliament of that kingdom, on the present disorders, it is said, that so long ago as the year 1791, there existed some societies in that country, which harboured the desire of separation from England, and which wished to set up a republican form of government. The report does not state what was the precise number of those societies in 1791; it declares, however, that the number was small and insignificant. From small beginnings, however, they have increased to the alarming number of one hundred thousand men in the province of Ulster only. By what means have they so increased, and who are the proselytes that swell their numbers to so gigantic a size? Obviously the men who had no such design originally; obviously the persons who had no other object in view in all the petitions which they presented, than Catholic emancipation and reform in Parliament. This is also admitted by the report. The spirit of reform spread over the country; they made humble, earnest, and repeated applications to the Castle for redress; but there they found a fixed determination to resist every claim, and a rooted aversion to every thing that bore even the colour of reform. They made their applications to all the considerable characters in the country, who had on former occasions distinguished themselves by exertions in the popular cause; and of these justly eminent men I desire to speak as I feel, with the utmost respect for their talents and virtues. But, unfortunately, they were so alarmed by the French Revolution, and by the cry which had been so artfully set up by Ministers, of the danger of infection, that they could not listen to the complaint. What was the consequence? These bodies of men, who found it vain to expect it from the Government at the Castle, or from the Parliament, and having no where else to recur for redress, joined the societies, which the report accuses of cherishing the desire of separation from England; and became converts to all those notions of extravagant and frantic ambition, which the report lays to their charge, and which threatens consequences so dreadful and alarming, that no man can contemplate them without horror and dismay.

"What, then, is the lesson to be derived from this example, but that the comparatively small societies of 1791 became strong and formidable by the accession of the many who had nothing in common with them in the outset? I wish it were possible for us to draw the line more accurately between the small number that the report describes to have had mischievous objects originally in view, and the numerous bodies who were made converts by the neglect of their petition for constitutional rights. Is it improbable that the original few were not more than ten or twenty thousand in number? What, then, do I learn from this? That the impolitic and unjust refusal of Government to attend to the applications of the moderate, made eighty or ninety thousand proselytes from moderation to violence. This is the lesson which the book of

Ireland exhibits! Can you refuse your assent to the moral? Will any man argue, that if reform had been conceded to the eighty or ninety thousand moderate petitioners, you would have this day to deplore the union of one hundred thousand men, bent on objects so extensive, so alarming, so calamitous? I wish to warn you by this example. Every argument that you have heard used this day was used at Dublin. In the short-sighted pride and obstinacy of the Government, they turned a deaf ear to the supplicant; they have now, perhaps, in the open field to brave the assertor. Unwarned, untutored by example, are you still to go on with the same contemptuous and stubborn pride? I by no means think that Great Britain is at this moment in the same situation as Ireland. I by no means think that the discontents of this country have risen to such a height as to make us fear for the general peace of the country; but I deprecate the course which has been pursued in Ireland. What England is now, Ireland was in 1791. What was said of the few, they have now applied to the many; and as there are discontents in this country, which we can neither dissemble nor conceal, let us not, by an unwise and criminal disdain, irritate and fret them into violence and disorder. The discontents may happily subside; but a man must be sanguine indeed in his temper, or dull in his intellect, if he would leave to the operation of chance what he might more certainly obtain by the exercise of reason. Everything that is dear and urgent to the minds of Englishmen presses upon us; in the critical moment at which I now address you, a day, an hour, ought not to elapse, without giving to ourselves the chance of this recovery. When Government is daily presenting itself in the shape of weakness that borders on dissolution—unequal to all the functions of useful strength, and formidable only in pernicious corruption—weak in power, and strong only in influence—am I to be told that such a state of things can go on with safety to any branch of the constitution? If men think that, under the impression of such a system, we can go on without a recurrence to first principles, they argue in direct opposition to all theory and all practice. These discontents cannot, in their nature, subside under detected weakness and exposed incapacity. In their progress and increase, (and increase they must,) who shall say that direction can be given to the torrent, or that, having broken its bounds, it can be kept from overwhelming the country? Sir, it is not the part of statesmen, it is not the part of rational beings, to amuse ourselves with such fallacious dreams; we must not sit down and lament over our hapless situation; we must not deliver ourselves up to an imbecile despondency that would animate the approach of danger; but by a seasonable and vigorous measure of wisdom, meet it with a sufficient and a seasonable remedy. We may be disappointed. We may fail in the application, for no man can be certain of his footing on ground that is unexplored; but we shall at least have a chance for success—we shall at least do what belong to legislators and to rational beings on the occasion, and I have confidence that our efforts would not be in vain. I say that we should give ourselves a chance, and, I may add, the best chance, for deliverance; since it would exhibit to the country a proof that we had conquered the first great difficulty that stood in the way of bettering our condition—that we had conquered ourselves. We had given a generous triumph to reason over prejudice; we had given a deathblow to those miserable distinctions of Whig and Tory, under which the warfare had been maintained between pride and privilege, and through the contention of our rival jealousies, the genuine rights of the many had been gradually undermined and frittered away. I say, that this would be giving us the best chance; because, seeing everything go on from bad to worse—seeing the progress of the most scandalous waste countenanced by the most criminal confidence, and that the effrontery of corruption no longer requires the mask of concealment—seeing liberty daily infringed, and the vital springs of the nation insufficient for the extravagance of a dissipated government, I must believe that, unless the people are mad or stupid, they will suspect that there is something fundamentally vicious in our system, and which no reform would be equal to correct. Then, to prevent all this, and to try if we can effect a reform without touching the main pillars of the constitution, without changing its forms, or disturbing the harmony of its parts, without putting anything out of its place, or affecting the securities which we justly hold to be so sacred, is, I say, the only chance which we have for retrieving our misfortunes by the road of quiet and tranquillity, and by which national strength may be recovered without disturbing the property of a single individual.

"It has been said, that the House possesses the confidence of the country as much as ever. This, in truth, is as much as to say, that his Majesty's Ministers possess the confidence of the country in the same degree as ever, since the majority of the House support and applaud the measures of the Government, and give their countenance to all the evils which we are doomed to endure. I was very much surprised to hear any proposition so unaccountable advanced by any person connected with Ministers, particularly as the noble lord (Hawkesbury) had, but a sentence or two before, acknowledged that there had been, to be sure, a number of petitions presented to his Majesty for the dismission of his Ministers. The one assertion is utterly incompatible with the other, unless he means to assert, that the petitions which have been presented to the throne are of no importance. The noble lord can hardly, I think, speak in this contemptuous manner of the petitions of Middlesex, London, Westminster, Surrey, Hampshire, York, Edinburgh, Glasgow, and many other places, unless he means to insinuate that they are proofs only of our very great industry, and that they are not the genuine sense of the districts from which they come. If the noble lord ascribes them to our industry, he gives us credit for much more merit of that kind than we are entitled to. It certainly is not the peculiar characteristic of the present opposition, that they are very industrious in agitating the public mind. But, grant to the noble lord his position—be it to our industry that all these petitions are to be ascribed. If industry could procure them, was it our moderation, our good will and forbearance, that have made us for fourteen years relax from this industry, and never bring forward these petitions until now? No, Sir, it is not to our industry that they are to be ascribed now, nor to our forbearance that they did not come before. The noble lord will not give us credit for this forbearance; and the consequence is, that he must own, upon his imputation of industry, that the present is the first time that we were sure of the people, and that these petitions are a proof that at length the confidence of the people in Ministers is shaken. That it is so, it is in vain for the noble lord to deny. They who in former times were eager to show their confidence by addresses, have now been as eager to express their disapprobation in petitions for their removal. How, then, can we say that the confidence of the people is not shaken? Is confidence to be always against the people, and never for them? It is a notable argument, that because we do not find at the general election very material changes in the representation, the sentiments of the people continue the same, in favour of the war, and in favour of his Majesty's Ministers. The very ground of the present discussion gives the answer to this argument. Why do we agitate the question of parliamentary reform? Why, but because a general election does not afford to the people the means of expressing their voice; because this House is not a sufficient representative of the people. Gentlemen are fond of arguing in this circle. When we contend that Ministers have not the confidence of the people, they tell us that the House of Commons is the faithful representative of the sense of the country. When we assert that the representation is defective, and show, from the petitions to the Throne, that the House does not speak the voice of the people, they turn to the general election, and say, that at this period they had an opportunity of choosing faithful organs of their opinion; and because very little or no change has taken place in the representation, the sense of the people must be the same. Sir, it is in vain for gentlemen to shelter themselves by this mode of reasoning. We assert, that under the present form and practice of elections, we cannot expect to see any remarkable change produced by a general election. We must argue from experience. Let us look back to the period of the American war. It will not be denied by the right honourable gentleman, that towards the end of that war it became extremely unpopular, and that the King's Ministers lost the confidence of the nation. In the year 1780 a dissolution took place, and then it was naturally imagined by superficial observers, who did not examine the real state of the representation, that the people would have returned a House of Commons that would have unequivocally spoken their sentiments on the occasion. What was the case? I am able to speak with considerable precision. At that time I was much more than I am at present in the way of knowing personally the individuals returned, and of making an accurate estimate of the accession gained to the popular side by that election. I can take upon me to say, that the change was very small indeed: not more than three or four persons were added to the number of those who had from the beginning opposed the disastrous career of the Ministers in that war. I remember that, upon that occasion, Lord North made use of precisely the same argument as that which is now brought forward: 'What!' said he, 'can you contend the war is unpopular, after the declaration in its favour that the people have made by their choice of representatives? The general election is the proof that the war continues to be the war of the people of England.' Such was the argument of Lord North, and yet it was notoriously otherwise; so notoriously otherwise, that the right honourable gentleman, the present Chancellor of the Exchequer, made a just and striking use of it, to demonstrate the necessity of a parliamentary reform. He referred to this event as to a demonstration of this doctrine. 'You see,' said he, 'that so defective, so inadequate, is the present practice, at least of the elective franchise, that no impression of national calamity, no conviction of ministerial error, no abhorrence of disastrous war, is sufficient to stand against that corrupt influence which has mixed itself with election, and which drowns and stifles the popular voice.' Upon this statement, and upon this unanswerable argument, the right honourable gentleman acted in the year 1782. When he proposed a parliamentary reform, he did it expressly on the ground of the experience of 1780, and he made an explicit declaration, that we had no other security by which to guard ourselves against the return of the same evils. He repeated this warning in 1783 and in 1785. It was the leading principle of his conduct. 'Without a reform,' said he, 'the nation cannot be safe; this war may be put an end to, but what will protect you against another? as certainly as the spirit which engendered the present war actuates the secret councils of the Crown, will you, under the influence of a defective representation, be involved again in new wars, and in similar calamities.' This was his argument in 1782, this was his prophecy, and the right honourable gentleman was a true prophet. Precisely as he pronounced it the event happened; another war took place, and I am sure it will not be considered as an aggravation of its character, that it is at least equal in disaster to the war of which the right honourable gentleman complained. 'The defect of representation,' he said, 'is the national disease; and unless you apply a remedy directly to that disease, you must inevitably take the consequences with which it is pregnant.' With such an authority, can any man deny that I reason right? Did not the right honourable gentleman demonstrate his case? Good God! what a fate is that of the right honourable gentleman, and in what a state of whimsical contradiction does he stand! During the whole course of his administration, and particularly during the course of the present war, every prediction that he has made, every hope that he has held out, every prophecy that he has hazarded, has failed; he has disappointed the expectations that he has raised; and every promise that he has given has proved to be fallacious. Yet, for these very declarations, and notwithstanding these failures, we have called him a wise Minister. We have given him our confidence on account of his predictions, and have continued it upon their failure. The only instance in which he really predicted what has come to pass, we treated with stubborn incredulity. In 1785, he pronounced the awful prophecy, 'Without a parliamentary reform the nation will be plunged into new wars; without a parliamentary reform you cannot be safe against bad Ministers, nor can even good Ministers be of use to you.' Such was his prediction; and it has come upon us. It would seem as if the whole life of the right honourable gentleman, from that period, had been destined by Providence for the illustration of his warning. If we were disposed to consider him as a real enthusiast, and a bigot in divination, we might be apt to think that he had himself taken measures for the verification of his prophecy. For he might now exclaim to us, with the proud fervour of success, 'You see the consequence of not listening to the oracle. I told you what would happen; it is true that your destruction is complete; I have plunged you into a new war; I have exhausted you as a people; I have brought you to the brink of ruin, but I told you beforehand what would happen; I told you, that without a reform in the representation of the people no Minister, however wise, could save you; you denied me my means, and you take the consequence!'

"But a reform in the representation, say gentlemen on the opposite side of the House, is not called for by the country; and though meetings have been held in various parts of the kingdom, and petitions have come up for the dismissal of Ministers, they have not expressed a wish for reform. In answer to this argument, it is only necessary to observe, that the restrictions which have been racently laid on meetings of the people and on popular discussion, may serve to account for the question of reform not being mixed with that which was the subject of their immediate consideration. The purpose of the meeting is necessarily specified in the requisition to the sheriff; and if any other business were attempted to be brought forward, the sheriff would have the power of dispersing the meeting. Their silence, therefore, upon the subject is no proof either way. But granting even the fact that the country does not now call for this reform; a fact which, however, I deny; is the country in such a situation as to make it improbable that the universal demand of a Parliamentary reform, which has burst from the people of Ireland, will not be speedily communicated by sympathy to the people of England? When I see that the treatment which the people of Ireland have received upon this subject, has exasperated their minds to such a degree as to throw the whole of that kingdom into confusion, and that we have daily to dread the danger of actual insurrection, shall I not take measures to prevent the rise of a passion that may swell into equal tumult? The nearness of the two countries, the sympathetic interest, the similarity of language, of constitution, and almost of suffering, make it probable that the one nation will catch the disease of the other, unless we interpose a seasonable cure. Is it not wisdom, is it not prudence, to erect a standard around which all the patriotism and moderation of the kingdom may rally, and the Government be strengthened against the violence of the few by the countenance and support of the many?

"The right honourable gentleman speaks, Sir, of the strength of Government. But what symptom of strength does it exhibit? Is it the cordiality of all the branches of the national force? Is it the harmony that happily reigns in all the departments of the executive power? Is it the reciprocal affection that subsists between the Government and the people? Is it in the energy with which the people are eager to carry into execution the measures of the administration, from the heart-felt conviction that they are founded in wisdom, favourable to their own freedom, and calculated for national happiness? Is it because our resources are flourishing and untouched, because our vigour is undiminished, because our spirit is animated by success, and our courage by our glory? Is it because Government have in a perilous situation, when they have been obliged to call upon the country for sacrifices, shown a conciliating tenderness and regard for the rights of the people, as well as a marked disinterestedness and forbearance on their own parts, by which they have, in an exemplary manner, made their own economy to keep pace with the increased demands for the public service? Are these the sources of the strength of Government? I forbear, Sir, to push the inquiry. I forbear to allude more particularly to symptoms which no man can contemplate at this moment without grief and dismay. It is not the declarations of right honourable gentlemen that constitute the strength of a government. That government is alone strong which possesses the hearts of the people; and will any man contend that we should not be more likely to add strength to the state if we were to extend the basis of the popular representation? Would not a House of Commons, freely elected, be more likely to conciliate the support of the people? If this be true in the abstract, it is certainly our peculiar duty to look for this support in the hour of difficulty. What man who foresees a hurricane is not desirous of strengthening his house? Shall nations alone be blind to the dictates of reason? Let us not, Sir, be deterred from this act of prudence by the false representations that are made to us. France is the phantom that is constantly held out to terrify us from our purpose. Look at France; it will not be denied but that she stands on the broad basis of free representation. Whatever other views the Government of France may exhibit, and which may afford just alarm to other nations, it cannot be denied that her representative system has proved itself capable of vigorous exertion.

"Now, Sir, though I do not wish you to imitate France, and though I am persuaded you have no necessity for any terror of such imitation being forced upon you, yet I say that you ought to be as ready to adopt the virtues, as you are steady in averting from the country the vices of France. If it is clearly demonstrated that genuine representation alone can give solid power, and that in order to make government strong, the people must make the government; you ought to act on this grand maxim of political wisdom thus demonstrated, and call in the people, according to the original principles of your system, to the strength of your Government. In doing this, you will not innovate, you will not imitate. In making the people of England a constituent part of the government of England, you do no more than restore the genuine edifice designed and framed by our ancestors. An honourable baronet spoke of the instability of democracies, and says, that history does not give us the example of one that has lasted eighty years. Sir, I am not speaking of pure democracies, and therefore his allusion does not apply to my argument. Eighty years, however, of peace and repose would be pretty well for any people to enjoy, and would be no bad recommendation of a pure democracy. I am ready, however, to agree with the honourable baronet, that, according to the experience of history, the ancient democracies of the world were vicious and objectionable on many accounts; their instability, their injustice, and many other vices, cannot be overlooked; but, surely, when we turn to the ancient democracies of Greece, when we see them in all the splendour of arts and of arms, when we see to what an elevation they carried the powers of man, it cannot be denied that, however vicious on the score of ingratitude or of injustice, they were, at least, the pregnant source of national strength, and that in particular they brought forth this strength in a peculiar manner in the moment of difficulty and distress. When we look at the democracies of the ancient world, we are compelled to acknowledge their oppressions to their dependencies, their horrible acts of injustice and of ingratitude to their own citizens; but they compel us also to admiration by their vigour, their constancy, their spirit, and their exertions in every great emergency in which they were called upon to act. We are compelled to own that it gives a power of which no other form of government is capable. Why? Because it incorporates every man with the state, because it arouses everything that belongs to the soul, as well as to the body of man: because it makes every individual feel that he is fighting for himself and not for another; that it is his own cause, his own safety, his own concern, his own dignity on the face of the earth, and his own interest on the identical soil which he has to maintain, and accordingly we find that whatever may be objected to them on account of the turbulency of the passions which they engender, their short duration, and their disgusting vices, they have exacted from the common suffrage of mankind the palm of strength and vigour. Who that reads the history of the Persian war—what boy, whose heart is warmed by the grand and sublime actions which the democratic spirit produced, does not find in this principle the key to all the wonders which were achieved at Thermopylæ and elsewhere, and of which the recent and marvellous acts of the French people are pregnant examples? He sees that the principle of liberty only could create the sublime and irresistible emotion; and it is in vain to deny, from the striking illustration that our own times have given, that the principle is eternal, and that it belongs to the heart of man. Shall we, then, refuse to take the benefit of this invigorating principle? Shall we refuse to take the benefit which the wisdom of our ancestors resolved that it should confer on the British constitution? With the knowledge that it can be reinfused into our system without violence, without disturbing any one of its parts, are we become so inert, so terrified, or so stupid, as to hesitate for one hour to restore ourselves to the health which it would be sure to give? When we see the giant power that it confers upon others, we ought not to withhold it from Great Britain. How long is it since we were told in this House that France was a blank in the map of Europe, and that she lay an easy prey to any power that might be disposed to divide and plunder her? Yet we see that, by the mere force and spirit of this principle, France has brought all Europe at her feet. Without disguising the vices of France, without overlooking the horrors that have been committed, and that have tarnished the glory of the Revolution, it cannot be denied that they have exemplified the doctrine, that if you wish for power you must look to liberty. If ever there was a moment when this maxim ought to be dear to us, it is the present. We have tried all other means; we have had recourse to every stratagem that artifice, that influence, that cunning could suggest: we have addressed ourselves to all the base passions of the nation; we have addressed ourselves to pride, to avarice, to fear; we have awakened all the interested emotions; we have employed everything that flattery, everything that address, everything that privilege could effect: we have tried to terrify them into exertion, and all has been unequal to our emergency. Let us try them by the only means which experience demonstrates to be invincible; let us address ourselves to their love; let us identify them with ourselves; let us make it their own cause as well as ours! To induce them to come forward in support of the state, let us make them a part of the state; and this they become the very instant you give them a House of Commons which is the faithful organ of their will. Then, Sir, when you have made them believe and feel that there can be but one interest in the country, you will never call upon them in vain for exertion. Can this be the case as the House of Commons is now constituted? Can they think so if they review the administration of the right honourable gentleman, every part of which must convince them that the present representation is a mockery and a shadow?

"I shall not, Sir, go over the whole of that series of disastrous measures which has forced upon the country the impression that the House of Commons has lost its efficacy in the system of Government. But let us look back to the very singular circumstances under which the right honourable gentleman came into power: from this we shall see in what estimation the House of Commons is held, even by Government itself, when it does not suit their purpose to extol it as the representative of the people. The right honourable gentleman came into power against the sense of the majority of the then House of Commons; and, armed with all the corrupt power of the Crown, he stood and successfully resisted the power of the House of Commons. He declared that it was not the representative of the people, that it did not speak the sense of the nation, and he derided its weakness and inefficiency. What is the doctrine that this conduct in 1784 promulgated? That the House of Commons, so long as it obeys the will of the Minister, so long as it grants everything which he demands, so long as it supports every measure which he brings forward, is the genuine representative of the country—so long it is powerful and omnipotent; but the moment that a House of Commons presumes to be the censor of Government—the moment that it assumes the character of defiance and opposition—from that instant it ceases to have power or authority in the kingdom; it then becomes a straw which the Minister can puff away with a breath. This he did in 1784, and completed his triumph. Since that time, who will say that the corrupt influence of the Crown has not made enormous strides in destroying the power of election? Since that time, four-fifths of the elective franchises of Scotland, and Cornwall particularly, have passed into the hands of Government; and the prediction which Mr. Burke then made upon the occasion has been literally fulfilled—no House of Commons has been since found strong enough to oppose the Ministers of the Crown. It has been said, that that period was not proper to be taken as a test of the public spirit on the subject of representation; that it was a moment of national prosperity, and that nothing can be decided for or against representation by that precedent. It was, however, in that moment that the seeds of rottenness and dissolution were sown. I thought I saw them at the time, and I have been confirmed in my observation by everything that has occurred since. I pass over all the period between that time up to the present war, not because it is not fruitful of examples, but because I do not wish to trespass upon your time. The present war, say Ministers, was popular in its commencement; the same was said of the commencement of the American war. I will not stop to inquire into the truth of the assertion, though it is at least doubtful. I will not deny that, through the artful machinations of Government, a clamour was excited by the interested, which Ministers called the voice of the nation. Whatever may have been the case, however, in the outset of the two wars, the progress in the public opinion has been the same in both; and I aver, that as in the American war the public opinion had changed, though no change was produced by the general election of 1780, so now, for the last two years, the present war has been universally unpopular in England, though it has not made its voice to be heard in the choice of representatives. Though the general election has not produced a change of men, yet he must be a dull observer of the public mind who says that the general election did not afford a striking proof of a change in the sentiments of the people. For what was the conduct of the candidates in populous places on the two sides? We boasted of having opposed the war; we made it our claim and our appeal to the confidence of the people, that we had resisted every one of the measures by which the Government has brought us into our present condition. What was the conduct of the candidates on the other side? It consisted of apologies for their past offence of supporting the war; it consisted of whining and canting explanations, in descriptions of alarms, and not unfrequently in misrepresentations of facts. Such was the feeling conveyed by the general election. It served to convince every observing man, that if the representative system had been perfect, or the practice pure, the new Parliament would have decidedly voted against the continuance of the war. Seeing, then, the conduct they have pursued, can the people have confidence in this House?

Can they have confidence in a House that has given their countenance to misrepresentation through the whole course of the war? Suppose the people were to look for the history of the events that have happened in this war, and for the condition of the country, to the King's speeches from the throne, and to the addresses of the two Houses of Parliament; they would see that almost in every instance his Majesty has declared from the throne, and the House of Commons has replied in humble addresses, that our prospects were improved, and that the country was flourishing and prosperous. Look at all the King's speeches and addresses since the year 1793, and you will find that this is their general tone and language. And yet this is the House of Commons in which the people of England are to have confidence! Amidst all the failures and sufferings which they have had to deplore, and in their present condition of dreadful and unparalleled calamity, they are called upon to trust to a House of Commons that assures them their prospects and situation have been gradually improving since the year 1793!

"There has been, at different times, a great deal of dispute about virtual representation. Sir, I am no great advocate for these nice subtleties and special pleadings on the constitution; much depends upon appearance as well as reality. I know well that a popular body of five hundred and fifty-eight gentlemen, if truly independent of the Crown, would be a strong barrier to the people; but the House of Commons should not only be, but appear to be, the representatives of the people; the system should satisfy the prejudices and the pride, as well as the reason, of the people; and you never can expect to give the just impression which a House of Commons ought to make on the people, until you derive it unequivocally from them. It is asked, why gentlemen who were against a parliamentary reform on former occasions should vote for it now? Ten years ago men might reasonably object to any reform of the system, who ought now, in my opinion, to be governed by motives that are irresistible in its favour. They might look back with something like satisfaction and triumph to former Parliaments, and console themselves with the reflection, that though in moments of an ordinary kind, in the common course of human events, Parliament might abate from its vigilance, and give a greater degree of confidence than was strictly conformable with representative duty—yet there was a point beyond which no artifice of power, no influence of corruption, could carry them; that there were barriers in the British constitution over which the House of Commons never would leap, and that the moment of danger and alarm would be the signal for the return of Parliament to its post. Such might have been the reasoning of gentlemen on the experience of former Parliaments; and with this rooted trust in the latent efficacy of Parliament, they might have objected to any attempt that should cherish hopes of a change in the system itself. But what will the same gentlemen say after the experience of the last and the present Parliament? What reliance can they have for any one vestige of the constitution that is yet left to us? Or rather, what privilege, what right, what security, has not been already violated? 'Quid intactum nefasti liquimus?' And seeing that in no one instance have they hesitated to go the full length of every outrage that was conceived by the Minister; that they have been touched by no scruples, deterred by no sense of duty, corrected by no experience of calamity, checked by no admonition or remonstrance; that they have never made out a single case of inquiry; that they have never interposed a single restraint upon abuse; may not gentlemen consistently feel that the reform which they previously thought unnecessary is now indispensable?

"We have heard to-day, Sir, all the old arguments about honour on the one side being as likely as honour on the other; that there are good men on both sides of the House; that a man, upon the one side of the House as well as upon the other, may be a member for a close borough; and that he may be a good man, sit where he may. All this, Sir, is very idle language; it is not the question at issue. No man disputes the existence of private and individual integrity; but, Sir, this is not representation: if a man comes here as the proprietor of a burgage tenure, he does not come here as the representative of the people. The whole of this system, as it is now carried on, is as outrageous to morality as it is pernicious to just government; it gives a scandal to our character, which not merely degrades the House of Commons in the eyes of the people; it does more, it undermines the very principles of integrity in their hearts, and gives a fashion to dishonesty and imposture. They hear of a person receiving four or five thousand pounds as the purchase-money of a seat for a close borough; and they hear the very man, who received and put the money into his pocket, make a vehement speech in this House against bribery; and they see him move for the commitment to prison of a poor, unfortunate wretch at your bar, who has been convicted of taking a single guinea for his vote in the very borough, perhaps, where he had publicly and unblushingly sold his influence, though, under the horrors of a war which he had contributed to bring upon the country, that miserable guinea was necessary to save a family from starving. Sir, these are the things that paralyse you to the heart; these are the things that vitiate the whole system, that spread degeneracy, hypocrisy, and sordid fraud, over the country, and take from us the energies of virtue, and sap the foundations of patriotism and spirit. The system that encourages so much vice ought to be put an end to; and it is no argument, that because it lasted a long time without mischief, it ought now to be continued when it is found to be pernicious; it has arisen to a height that defeats the very end of government; it must sink under its own weakness. And this, Sir, is not a case peculiar to itself, but inseparable from all human institutions. All the writers of eminence upon forms of government have said, that in order to preserve them, frequent recurrence must be had to their original principle. This is the opinion of Montesquieu, as well as of Machiavelli. Gentlemen will not be inclined to dispute the authority of the latter on this point at least; and he says, that without this recurrence they grow out of shape, and deviate from their general form. It is only by recurring to former principles that any government can be kept pure and unabused. But, say gentlemen, if any abuses have crept into our system, have we not a corrective, whose efficacy has been proved, and of which everybody approves? Have we not Mr. Grenville's bill, as an amendment to the constitution? An amendment it is; an amendment which acknowledges the deficiency. It is an avowal of a defective practice. It is a strong argument for reform, because it would not be necessary if the plan of representation were sufficient. But, Sir, there is a lumping consideration, if I may be allowed the phrase, which now more than ever ought to make every man a convert to parliamentary reform; there is an annual revenue of twenty-three millions sterling collected by the Executive Government from the people. Here, Sir, is the despot of election; here is the new power that has grown up to a magnitude, that bears down before it every defensive barrier established by our ancestors for the protection of the people. They had no such tyrant to control; they had no such enemy to oppose. Against every thing that was known, against every thing that was seen, they did provide; but it did not enter into the contemplation of those who established the checks and barriers of our system, that they would ever have to stand against a revenue of twenty-three millions a year. The whole landed rental of the kingdom is not estimated at more than twenty-five millions a year, and this rental is divided and dispersed over a large body, who cannot be supposed to act in cencert, or to give to their power the force of combination and unity. But it is said, that though the Government is in the receipt of a revenue of twenty-three millions a year, it has not the expenditure of that sum, and that its influence ought not to be calculated from what it receives, but from what it has to pay away. I submit, however, to the good sense and to the personal experience of gentlemen who hear me, if it be not a manifest truth that influence depends almost as much upon what they have to receive, as upon what they have to pay? And if this be true of the influence which individuals derive from the rentals of their estates, and from the expenditure of that rental, how much more so is it true of Government, who, both in the receipt and expenditure of this enormous revenue, are actuated by one invariable principle—that of extending or withholding favour in exact proportion to the submission or resistance to their measures which the individuals make? Compare this revenue, then, with that against which our ancestors were so anxious to protect us, and compare this revenue with all the bulwarks of our constitution in preceding times, and you must acknowledge, that though those bulwarks were sufficient to protect us in the days of King William and Queen Anne, they are not equal to the enemy we have now to resist.

"But it is said, what will this reform do for us? Will it be a talisman sufficient to retrieve all the misfortunes which we have incurred? I am free to say, that it would not be sufficient, unless it led to reforms of substantial expense, and of all the abuses that have crept into our government. But at the same time, I think it would do this, I think it would give us the chance, as I said before, of recovery. It would give us, in the first place, a Parliament vigilant and scrupulous, and that would insure to us a Government active and economical. It would prepare the way for every rational improvement, of which, without disturbing the parts, our constitution is susceptible. It would do more; it would open the way for exertions infinitely more extensive than all that we have hitherto made. The right honourable gentleman says, that we have made exertions. True. But what are they in comparison to our necessity? The right honourable gentleman says, that when we consider our situation compared with that of countries which have taken another line of conduct, we ought to rejoice. I confess, Sir, that I am at a loss to conceive what country the right honourable gentleman has in view in this comparison. Does he mean to assert, that the nations who preferred the line of neutrality to that of war have fallen into a severer calamity than ourselves? Does he mean to say, that Sweden, or that Denmark, has suffered more by observing an imprudent neutrality, than England or Austria by wisely plunging themselves into a war? Or does he mean to insinuate that Prussia has been the victim of its impolicy, in getting out of the conflict on the first occasion? If this be the interpretation of the right honourable gentleman's argument, I do not believe that he will get many persons to subscribe to the justice of his comparison. But probably he alludes to the fate of Holland: if this be the object to which he wishes to turn our eyes, he does it unjustly. Holland acted under the despotic mandate of that right honourable gentleman; and Holland, whatever she has suffered, whatever may be her present situation, lays her calamities to the charge of England. I cannot, then, admit of the argument, that our situation is comparatively better than that of the nations who altogether kept out of the war, or, being drawn into it in the first instance, corrected their error, and restored to themselves the blessings of peace.

"I come now to consider the specific proposition of my honourable friend, and the arguments that have been brought against it. Let me premise, that however averse gentlemen may be to any specific proposition of reform, if they are friendly to the principle, they ought to vote for the present question, because it is merely a motion for leave to bring in a bill. An opposition to such a motion comes with a very ill grace from the right honourable gentleman, and contradicts the policy for which he strenuously argued. In 1785 he moved for leave to bring in a bill on a specific plan, and he fairly called for the support of all those who approved of the principle of reform, whatever might be the latitude of their ideas on the subject; whether they wished for more or less than his proposition, he thought that they should agree to the introduction of the bill, that it might be freely discussed in the committee, in hopes that the united wisdom of the House might shape out something that would be generally acceptable. Upon this candid argument I, for one, acted. I did not approve of his specific proposition, and yet I voted with him for leave to bring in the bill. And this, Sir, has generally happened to me on all the former occasions, when propositions have been made. Though I have constantly been a friend to the principle, I have never before seen a specific plan that had my cordial approbation. That which came nearest, and of which I the least disapproved, was the plan of an honourable gentleman who is now no more (Mr. Flood): he was the first person who suggested the idea of extending what might be proper to add to representation, to housekeepers, as to a description of persons the best calculated to give efficacy to the representative system. My honourable friend's plan, built upon this idea, is an improvement of it, since it is not an attempt even to vary the form and outline, much less to new model the representation of the people; it keeps everything in its place; it neither varies the number, nor changes the name, nor diverts the course of any part of our system; it corrects without change; it extends without destruction of any established right; it restores simply what has been injured by abuse, and reinstates what time has mouldered away; no man can have a right to complain of genuine property assailed; no habit even, no mode of thinking, no prejudice, will be wounded; it traces back the path of the constitution from which we have wandered, but it runs out into no new direction.

"A noble lord says, that the county representation must be good, that it must be approved of; be it so: this proposes to leave the county representation where it is; I wish so to leave it. I think that representation ought to be of a compound nature. The counties may be considered as territorial representation, as contradistinguished from popular; but, in order to embrace all that I think necessary, I certainly would not approve of any further extension of this branch of the representation. It has been asked, whether the rights of corporations ought not to be maintained. That is a matter for further discussion. I have no hesitation in saying, that my opinion leans the other way; but if it should be thought so, it may be so modified in the bill. There is no reasonable objection to its introduction on account of our not now agreeing with all its parts. My honourable friend, with all his abilities, and all the industry with which he has digested his proposition, does not presume to offer it as a perfect plan. He does not call upon you to adopt all his notions, nor does he think that every part of his plan will be found to quadrate with the abstract principles of representation. He looks to what is practicable in the condition in which we are placed, not to what a new people might be tempted to hazard. My opinion, however unimportant it may be, goes with my honourable friend. I think there is enough of enterprize and vigour in the plan to restore us to health, and not enough to run us into disorder. I agree with him, because I am firmly of opinion, with all the philosophical writers on the subject, that when a country is sunk into a situation of apathy and abuse, it can only be recovered by recurring to first principles.

"Now, Sir, I think that, acting on this footing, to extend the right of election to housekeepers is the best and most advisable plan of reform. I think also, that it is the most perfect recurrence to first principles—I do not mean to the first principles of society, nor the abstract principles of representation—but to the first known and recorded principles of our constitution. According to the early history of England, and the highest authorities on our parliamentary constitution, I find this to be the case. It is the opinion of the celebrated Glanville, that in all cases where no particular right intervenes, the common-law right of paying scot and lot was the right of election in the land. This, Sir, was the opinion of Serjeant Glanville, and of one of the most celebrated committees of which our parliamentary history has to boast; and this, in my opinion, is the safest line of conduct you can adopt. But it is said, that extending the right of voting to housekeepers may, in some respects, be compared to universal suffrage. I have always deprecated universal suffrage, not so much on account of the confusion to which it would lead, as because I think that we should in reality lose the very object which we desire to obtain; because I think it would in its nature embarrass, and prevent the deliberative voice of the country from being heard. I do not think that you augment the deliberative body of the people by counting all the heads; but that, in truth, you confer on individuals, by this means, the power of drawing forth numbers, who, without deliberation, would implicitly act upon their will. My opinion is, that the best plan of representation is that which shall bring into activity the greatest number of independent voters; and that that is defective which would bring forth those whose situation and condition take from them the power of deliberation. I can have no conception of that being a good plan of election which should enable individuals to bring regiments to the poll. I hope gentlemen will not smile if I endeavour to illustrate my position by referring to the example of the other sex. In all the theories and projects of the most absurd speculation, it has never been suggested that it would be adivsable to extend the elective suffrage to the female sex; and yet, justly respecting, as we must do, the mental powers, the acquirements, the discrimination, and the talents, of the women of England, in the present improved state of society—knowing the opportunities which they have for acquiring knowledge—that they have interests as dear and as important as our own, it must be the genuine feeling of every gentleman who hears me, that all the superior classes of the female sex of England must be more capable of exercising the elective suffrage with deliberation and propriety than the uninformed individuals of the lowest class of men to whom the advocates of universal suffrage would extend it. And yet, why has it never been imagined that the right of election should be extended to women? Why! but because by the law of nations, and perhaps also by the law of nature, that sex is dependent on ours; and because, therefore, their voices would be governed by the relation in which they stand in society. Therefore it is, Sir, that, with the exception of companies, in which the right of voting merely affects property, it has never been in the contemplation of the most absurd theorists to extend the elective franchise to the other sex. The desideratum to be obtained is independent voters; and that, I say, would be a defective system that should bring regiments of soldiers, of servants, and of persons whose low condition necessarily curbed the independence of their minds. That, then, I take to be the most perfect system which shall include the greatest number of independent electors, and exclude the greatest number of those who are necessarily by their condition dependent. I think that the plan of my honourable friend draws this line as discreetly as it can be drawn, and it by no means approaches to universal suffrage. It would neither admit, except in particular instances, soldiers nor servants. Universal suffrage would extend the right to three millions of men, but there are not more than seven hundred thousand houses that would come within the plan of my honourable friend; and when it is considered, that out of these some are the property of minors, and that some persons have two or more houses, it would fix the number of voters for Great Britain at about six hundred thousand; and I call upon gentlemen to say, whether this would not be sufficiently extensive for deliberation on the one hand, and yet sufficiently limited for order on the other. This has no similarity with universal suffrage; and yet, taking the number of representatives as they now stand, it would give to every member about fifteen hundred constituents.

"But it is said, Would even this plan of reform protect us against the consequences of bribery and corruption? I do not affect to say that it would; I do not believe that in the present state of society we can be altogether free from this evil; no laws will be found sufficient to eradicate an evil which example has so banefully established. We have for a course of years habituated the people to the sordid vice, and we certainly cannot wonder that a poor man should not scruple to take five guineas for his vote, when he knows that the noble lord in his neighbourhood took four or five thousand. But it is to be hoped, that when this baneful encouragement is removed, the regulations that would be introduced would tend to diminish, if not altogether remove, the evil. Among those regulations, that of shortening the duration of Parliaments would be one strong corrective; and this, I think, might be done with great convenience and facility by the plan upon which the elections would be made.

"It has often been a question, both within and without these walls, how far representatives ought to be bound by the instructions of their constituents. It is a question upon which my mind is not altogether made up, though I own I lean to the opinion, that having to legislate for the empire, they ought not to be altogether guided by instructions that may be dictated by local interests. I cannot, however, approve of the very ungracious manner in which I sometimes hear expressions of contempt for the opinion of constituents. They are made with a very bad grace in the first session of a septennial Parliament, particularly if they should come from individuals who, in the concluding session of a former Parliament, did not scruple to court the favour of the very same constituents, by declaring that they voted against their conscience in compliance with their desire, as was the case of an honourable Alderman of the city of London. But, Sir, there is one class of constituents whose instructions it is considered as the implicit duty of members to obey. When gentlemen represent populous towns and cities, then it is a disputed point, whether they ought to obey their voice, or follow the dictates of their own conscience; but if they represent a noble lord, or a noble duke, then it becomes no longer a question of doubt; and he is not considered as a man of honour who does not implicitly obey the orders of his single constituent. He is to have no conscience, no liberty, no discretion, of his own; he is sent here by my lord this, or the duke of that, and if he does not obey the instructions he receives, he is not to be considered as a man of honour and a gentleman. Such is the mode of reasoning that prevails in this House. Is this fair? Is there any reciprocity in this conduct? Is a gentleman to be permitted, without dishonour, to act in opposition to the sentiments of the city of London, of the city of Westminster, or of the city of Bristol; but if he dares to disagree with the duke, or lord, or baronet, whose representative he is, must he be considered as unfit for the society of men of honour?

"This, Sir, is the chicane and tyranny of corruption; and this, at the same time, is called representation. In a very great degree the county members are held in the same sort of thraldom. A number of peers possess an overweening interest in the county, and a gentleman is no longer permitted to hold his situation than as he acts agreeably to the dictates of those powerful families. Let us see how the whole of this stream of corruption has been diverted from the side of the people to that of the Crown; with what constant, persevering art, every man who is possessed of influence in counties, corporations, or boroughs, that will yield to the solicitations of the Court, is drawn over to that phalanx which is opposed to the small remnant of popular election. I have looked, Sir, to the machinations of the present Minister in this way, and I find that, including the number of additional titles, the right honourable gentleman has made no fewer than one hundred and fifteen peers in the course of his administration; that is to say, he has bestowed no fewer than one hundred and fifteen titles, including new creations and elevations from one rank to another. How many of these are to be ascribed to national services, and how many to parliamentary interest, I leave the House to inquire. The country is not blind to these arts of influence, and it is impossible that we can expect them to continue to endure them.

"A noble lord has quoted a most able book on the subject of the French Revolution, the work of Mr. Mackintosh; and I rejoice to see that gentlemen begin to acknowledge the merits of that eminent writer. and that the impression that it made upon me at the time is now felt and acknowledged even by those who disputed its authority. The noble lord has quoted Mr. Mackintosh's book on account of the observation which he made on the article which relates to the French elections; he thought that their plan would lead to the evil of universal suffrage. I have not forgotten the sarcasms that were flung out on my approbation of this celebrated work; that

I was told of my 'new library stuffed with the jargon of the Rights of Man;' it now appears, however, that I did not greatly overrate this performance, and that those persons now quote Mr. Mackintosh as an authority, who before treated him with splenetic scorn. Now, Sir, with all my sincere admiration of this book, I think the weakest and most objectionable passage in it, is that which the noble lord has quoted; I think it is that which the learned author would himself be the most desirous to correct. Without descending to minute and equivocal theories, and without inquiring further into the Rights of Man than what is necessary to our purpose, there is one position in which we shall all agree—that man has the right to be well governed. Now it is obvious, that no people can be satisfied with a government from the constituent parts of which they are excluded. When we look to the kingdom of Scotland, we see a state of representation so monstrous and absurd, so ridiculous and revolting, that it is good for nothing, except, perhaps, to be placed by the side of the English, in order to set off our defective system by the comparison of one still more defective. In Scotland there is no shadow even of representation; there is neither a representation of property for the counties, nor of population for the towns. It is not what we understand in England by freeholders, who elect in the counties; the right is vested in what are called the superiorities; and it might so happen that all the members for the counties of Scotland might come here without having the vote of a single person who had a foot of property in the land. This is an extreme case, but it is within the limits of their system. In the boroughs their magistrates are self-elected, and therefore the members have nothing to do with the population of the towns.

"Now, Sir, having shown this to be the state of our representation, I ask, what remedy there can be other than reform. What can we expect, as the necessary result of a system so defective and vicious in all its parts, but increasing calamities, until we shall be driven to a convulsion that would overthrow everything? If we do not apply this remedy in time, our fate is inevitable. Our most illustrious patriots—the men whose memories are the dearest to Englishmen, have long ago pointed out to us parliamentary reform as the only means of redressing national grievance. I need not inform you, that Sir George Savile was its most strenuous advocate; I need not tell you, that the venerable and illustrious Camden was through life a steady adviser of seasonable reform; nay, Sir, to a certain degree we have the authority of Mr. Burke himself for the propriety of correcting the abuses of our system; for gentlemen will remember the memorable answer which he gave to the argument that was used for our right of taxing America, on the score of their being virtually represented, and that they were in the same situation as Manchester, Birmingham, and Sheffield. 'What!' said Mr. Burke, 'when the people of America look up to you with the eyes of filial love and affection, will you turn to them the shameful parts of the constitution?' With the concurring testimony of so many authorities for correcting our abuses, why do we hesitate? Can we do any harm by experiment? Can we possibly put ourselves into a worse condition than that in which we are? What advantages we shall gain I know not. I think we shall gain many. I think we shall gain at least the chance of warding off the evil of confusion, growing out of accumulated discontent. I think we shall save ourselves from the evil that has fallen upon Ireland. I think we shall satisfy the moderate, and take even from the violent, if any such there be, the power of increasing their numbers and of making converts to their schemes. This, Sir, is my solemn opinion, and upon this ground it is that I recommend with earnestness and solicitude the proposition of my honourable friend.

"And now, Sir, before I sit down, allow me to make a single observation with respect to the character and conduct of those who have, in conjunction with myself, felt it their duty to oppose the progress of this disastrous war. I hear it said, 'You do nothing but mischief when you are here; and yet we should be sorry to see you away.' I do not know how we shall be able to satisfy the gentlemen who feel towards us in this way. If we can neither do our duty without mischief, nor please them with doing nothing, I know but of one way by which we can give them content, and that is, by putting an end to our existence. With respect to myself, and I believe I can also speak for others, I do not feel it consistent with my duty totally to secede from this House. I have no such intention; but, Sir, I have no hesitation in saying, that after seeing the conduct of this House, after seeing them give to Ministers their confidence and support, upon convicted failure, imposition, and incapacity; after seeing them deaf and blind to the consequences of a career that penetrates the hearts of all other men with alarm, and that neither reason, experience, nor duty, are sufficiently powerful to influence them to oppose the conduct of Government; I certainly do think that I may devote more of my time to my private pursuits, and to the retirement which I love, than I have hitherto done; I certainly think I need not devote much of it to fruitless exertions, and to idle talk, in this House. Whenever it shall appear that my efforts may contribute in any degree to restore us to the situation from which the confidence of this House in a desperate system and an incapable administration, has so suddenly reduced us, I shall be found ready to discharge my duty.

"Sir, I have done. I have given my advice. I propose the remedy, and fatal will it be for England if pride and prejudice much longer continue to oppose it. The remedy which is proposed, is simple, easy, and practicable; it does not touch the vitals of the constitution; and I sincerely believe it will restore us to peace and harmony. Do you not think that you must come to parliamentary reform soon; and is it not better to come to it now when you have the power of deliberation, than when, perhaps, it may be extorted from you by convulsion? There is as yet time to frame it with freedom and discussion: it will even yet go to the people with the grace and favour of a spontaneous act. What will it be when it is extorted from you with indignation and violence? God forbid that this should be the case! but now is the moment to prevent it; and now, I say, wisdom and policy recommend it to you, when you may enter into all the considerations to which it leads, rather than to postpone it to a time when you will have nothing to consider but the number and the force of those who demand it. It is asked, whether liberty has not gained much of late years, and whether the popular branch ought not, therefore, to be content? To this I answer, that if liberty has gained much, power has gained more. Power has been indefatigable and unwearied in its encroachments. Everything has run in that direction through the whole course of the present reign. This was the opinion of Sir George Savile, of the Marquis of Rockingham, and of all the virtuous men who, in their public life, proved themselves to be advocates for the rights of the people. They saw and deplored the tendency of the Court; they saw that there was a determined spirit in the secret advisers of the Crown to advance its power, and to encourage no administration that should not bend itself to that pursuit. Accordingly, through the whole reign, no administration which cherished notions of a different kind has been permitted to last; and nothing, therefore, or next to nothing, has been gained to the side of the people, but everything to that of the Crown, in the course of the reign. During the whole of this period, we have had no more than three administrations, one for twelve months, one for nine, and one for three months, that acted upon the popular principles of the early part of this century: nothing, therefore, I say, has been gained to the people, while the constant current has run towards the Crown; and God knows what is to be the consequence, both to the Crown and the country! I believe that we are come to the last moment of possible remedy. I believe that at this moment the enemies of both are few; but I firmly believe, that what has been seen in Ireland will be experienced also here; and that if we are to go on in the same career with convention bills and acts of exasperation of all kinds, the few will soon become the many, and that we shall have to pay a severe retribution for our present pride. What a noble lord said some time ago of France may be applicable to this very subject—'What!' said he, 'negotiate with France? With men whose hands are reeking with the blood of their sovereign? What, shall we degrade ourselves by going to Paris, and there asking in humble, diplomatic language, to be on a good understanding with them?' Gentlemen will remember these lofty words; and yet we have come to this humiliation; we have negotiated with France; and I should not be surprised to see the noble lord himself (Hawkesbury) going to Paris, not at the head of his regiment, but on a diplomatic mission to those very regicides, to pray to be upon a good understanding with them. Shall we, then, be blind to the lessons which the events of the world exhibit to our view? Pride, obstinacy, and insult, must end in concessions, and those concessions must be humble in proportion to our unbecoming pride. Now is the moment to prevent all these degradations; the monarchy, the aristocracy, the people themselves, may now be saved; it is only necessary, at this moment, to conquer our own passions. Let those Ministers, whose evil genius has brought us to our present condition, retire from the post to which they are unequal. I have no hesitation in saying, that the present Administration neither can nor ought to remain in place; let them retire from his Majesty's councils, and then let us, with an earnest desire of recovering the country, pursue this moderate scheme of reform, under the auspices of men who are likely to conciliate the opinion of the people. I do not speak this, Sir, from personal ambition. A new Administration ought to be formed: I have no desire, no wish, to make a part of any such Administration; and I am sure that such an arrangement is feasible, and that it is capable of being done without me. My first and chief desire is to see this great end accomplished. I have no wish to be the person, or to be one of the persons, to do it; but though my inclination is for retirement, I shall always be ready to give my free and firm support to any administration that shall restore to the country its outraged rights, and re-establish its strength upon the basis of free representation; and therefore, Sir, I shall certainly give my vote for the proposition of my honourable friend."

On a division, the numbers were:—Yeas, 93; Noes, 258. Mr. Grey's motion was therefore rejected.

KING'S MESSAGE RESPECTING OVERTURES OF PEACE FROM THE CONSULAR GOVERNMENT OF FRANCE.

1800. *February* 3. The first step of Napoleon upon arriving at the consular throne was to make overtures of peace to the British Government, in the following letter, which he addressed to the King:—

" French Republic—Sovereignty of the People—Liberty—Equality.

" Bonaparte, First Consul of the Republic, to his Majesty the King of Great Britain and Ireland.

" *Paris, the 5th Nivose, 8th year of the Republic.*
" *25th December*, 1799.

" Called by the wishes of the French nation to occupy the first magistracy of the Republic, I think it proper, on entering into office, to make a direct communication of it to your Majesty. The war, which for eight years has ravaged the four quarters of the world, must it be eternal? Are there no means of coming to an understanding? How can the two most enlightened nations of Europe, powerful and strong beyond what their safety and independence require, sacrifice to ideas of vain greatness, the benefits of commerce, internal prosperity, and the happiness of families? How is it that they do not feel that peace is of the first necessity, as well as the first glory? These sentiments cannot be foreign to the heart of your Majesty, who reigns over a free nation, and with the sole view of making it happy. Your Majesty will see in this overture only the effect of a sincere desire to contribute efficaciously, for the second time, to a general pacification, by a step speedy, entirely confidential, and disengaged from those forms which, necessary perhaps to disguise the dependence of weak states, prove only in those which are strong, the mutual desire of deceiving one another. France and England, by the abuse of their strength, may still, for a long time, to the misfortune of all nations, retard the period of their being exhausted. But I will venture to say, the fate of all civilized nations is attached to the termination of a war which involves the whole world.

"Your Majesty's,
"BONAPARTE."

To this letter Lord Grenville, the British Minister for Foreign Affairs, forwarded the following reply to M. Talleyrand, the Minister for Foreign Affairs at Paris :—

"The King has given frequent proofs of his sincere desire for the re-establishment of secure and permanent tranquillity in Europe. He neither is, nor has been, engaged in any contest for a vain and false glory. He has had no other view than that of maintaining, against all aggression, the rights and happiness of all his subjects. For these he has contended against an unprovoked attack; and for the same objects he is still obliged to contend: nor can he hope that this necessity could be renewed by entering at the present moment into a negotiation with those whom a fresh revolution has so recently placed in the exercise of power in France; since no real advantage can arise from such negotiation to the great and desirable object of general peace, until it shall distinctly appear that those causes have ceased to operate which originally produced the war, and by which it has been since protracted, and in more than one instance renewed. The same system to the prevalence of which France justly ascribes all her present miseries, is that which has also involved the rest of Europe in a long and destructive warfare, of a nature long since unknown to the practice of civilized nations. For the extension of this system, and for the extermination of all established governments, the revenues of France have, from year to year, and in the midst of the most unparalleled distress, been lavished and exhausted. To this indiscriminate spirit of destruction, the Netherlands, the United Provinces, the Swiss Cantons, his Majesty's ancient allies, have been successively sacrificed. Germany has been ravaged; and Italy, though now rescued from its invaders, has been made the scene of unbounded rapine and anarchy. His Majesty himself has been compelled to maintain an arduous and burdensome contest for the independence and existence of his kingdoms.

"While such a system continues to prevail, and while the blood and treasure of a numerous and powerful nation can be lavished in its support, experience has shown that no defence but that of open and steady hostility can be availing. The most solemn treaties have only prepared the way for fresh aggression; and it is to a determined resistance alone that is now due whatever remains in Europe of security for property, personal liberty, social order, or religious freedom. For the security, therefore, of these essential objects, his Majesty cannot place his reliance on the mere removal of general professions of pacific dispositions. Such dispositions have been repeatedly held out by all those who have successively directed the resources of France to the destruction of Europe; and whom the present rulers have declared to have been, from the beginning and uniformly, incapable of maintaining the relations of peace and amity.

"Greatly, indeed, will his Majesty rejoice whenever it shall appear that the dangers to which his own dominions, and those of his allies, have been so long exposed, have really ceased; whenever he shall be satisfied that the necessity of resistance is at an end; that, after the experience of so many years of crimes and miseries, better principles have ultimately prevailed in France; and that all the gigantic objects of ambition, and all the restless schemes of destruction, which have endangered the very existence of civil society, have at length been finally relinquished. But the conviction of such a change, however agreeable to his Majesty's wishes, can result only from experience and the evidence of facts.

"The best and most natural pledge of its reality and permanence would be, the restoration of that line of princes, which for so many centuries maintained the French nation in prosperity at home and consideration and respect abroad. Such an event would at once have removed, and will at any time remove, all obstacles in the way of negotiation or peace. It would confirm to France the unmolested enjoyment of its ancient territory: and it would give to all the other nations in Europe, in tranquillity and peace, that security which they are now compelled to seek by other means. But desirable as such an event must be, both to France and the world, it is not to this mode exclusively that his Majesty limits the possibility of secure and solid pacification. His Majesty makes no claim to prescribe to France what shall be the form of her government, or in whose hands she shall vest the authority necessary for conducting the affairs of a great and powerful nation. He looks only to the security of his dominions and those of his allies, and to the general safety of Europe. Whenever he shall judge that such security can in any manner be attained, as resulting either from the internal situation of that country from whose internal situation the danger has arisen, or from such other circumstances, of whatever nature, as may produce the same end, his Majesty will eagerly embrace the opportunity to concert with his allies the means of a general pacification. Unhappily no such security hitherto exists; no sufficient evidence of the principles by which the new government will be directed; no reasonable ground by which to judge of its stability. In this situation, it can for the present only remain for his Majesty to pursue, in conjunction with other powers, those exertions of just and defensive war, which his regard to the happiness of his subjects will never permit him either to continue beyond the necessity in which they originated, or to terminate on any other grounds than such as may best contribute to the secure enjoyment of their tranquillity, their constitution, and their independence."

To this the following reply was returned by the French Minister for Foreign Affairs:—

"Very far from France having provoked the war, she had, it must be recollected, from the very commencement of her revolution, solemnly proclaimed her love of peace, and her disinclination to conquests; her respect for the independence of all governments; and it is not to be doubted that, occupied at that time entirely with her own internal affairs, she would have avoided taking part in those of Europe, and would have remained faithful to her declaration.

"But from an opposite disposition, as soon as the French revolution had broken out, almost all Europe entered into a league for its destruction. The aggression was real, long before it was public; internal resistance was excited; its opponents were favourably received; their extravagant declamations were supported; the French nation was insulted in the person of its agent; and England set particularly this example by the dismissal of the minister accredited to her. Finally, France was, in fact, attacked in her independence, in her honour, and in her safety, long before the war was declared.

"Thus it is to the projects of subjection, dissolution, and dismemberment, which were prepared against her, and the execution of which was several times attempted and pursued, that France has a right to impute the evils which she has suffered, and those which have afflicted Europe. Such projects, for a long time without example, with respect to so powerful a nation, could not fail to bring on the most fatal consequences. Assailed on all sides, the republic could not but extend universally the efforts of her defence; and it is only for the maintenance of her own independence that she has made use of those means which she possessed in her own strength and the courage of her citizens. As long as she saw that her enemies obstinately refused to recognise her rights, she counted only upon the energy of her resistance; but as soon as they were obliged to abandon the hope of invasion, she sought for means of conciliation, and manifested pacific intentions; and if these have not always been efficacious; if, in the midst of the critical circumstances of her internal situation, which the Revolution and the war have successively brought on, the former depositaries of the executive power in France have not always shown as much moderation as the nation itself has shown courage; it must, above all, be imputed to the fatal and persevering animosity with which the resources of England have been lavished to accomplish the ruin of France.

"But if the wishes of his Britannic Majesty, in conformity with his assurances, are in unison with those of the French republic, for the re-establishment of peace, why, instead of attempting the apology of the war, should not attention be rather paid to the means of terminating it? And what obstacles can prevent a mutual understanding, of which the utility is reciprocal and is felt, especially when the First Consul of the French republic has personally given so many proofs of his eagerness to put an end to the calamities of war, and of his disposition to maintain the rigid observance of all treaties concluded. The First Consul of the French republic cannot doubt that his Britannic Majesty must recognise the right of nations to choose the form of their government, since it is from the exercise of this right that he holds his crown; but he cannot comprehend how, after admitting this fundamental principle, upon which rests the existence of political societies, he could annex insinuations which tend to an interference in the internal affairs of the republic, and which are not less injurious to the French nation and its government, than it would be to England and his Majesty, if a sort of invitation were held out in favour of that republican form of government, of which England adopted the forms about the middle of the last century, or an exhortation to recall to the throne that family whom their birth had placed there, and whom a revolution had compelled to descend from it."

M. Talleyrand then went on to propose that plenipotentiaries should be named on each side, who should repair to Dunkirk, or some other town, as advantageously situate for the quickness of the respective communications, and who should apply themselves without delay to effect the re-establishment of peace and good understanding between the French republic and England.

Lord Grenville, in reply, stated that he declined entering into the refutation of allegations now universally exploded, and, in so far as they respected his Majesty's conduct, not only in themselves utterly groundless, but contradicted both by the internal evidence of the transactions to which they related, and also by the express testimony, given at that time, of the Government of France itself. Whenever the attainment of peace could be sufficiently provided for, his Majesty would eagerly concert with his allies the means of immediate and joint negotiation.*

On the 22nd of January, 1800, the overture received from France, together with the answers of the British Government, rejecting the said overtures, were laid, by his Majesty's command, before both Houses; and on the 3rd of February, Mr. Secretary Dundas moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious message, and for having been graciously pleased to direct that there should be laid before this House copies of the communications recently received from the enemy, and of the answers which have been returned thereto by his Majesty's command: To assure his Majesty that we consider the conduct which his Majesty has held on this occasion to be such as was dictated by his regard to the most important interests of his dominions; and that, while we join with his Majesty in looking eagerly to the period when it may become practicable to re-establish the general tranquillity of Europe on a sure and solid foundation, and at the same time provide effectually for the security and permanent prosperity of his people, we shall feel it in the interval our indispensable duty to continue to his Majesty, on behalf of those whom we represent, our firm and decided support in such measures as may best tend to confirm the signal advantages which have been obtained to the common cause in the course of the last campaign, and to conduct the great contest in which his Majesty is engaged to a safe and honourable conclusion; and that, impressed with these sentiments, we shall not fail to make such provision as, under the present circumstances, may appear to be necessary for the several branches of the public service, and for the vigorous prosecution of the war." The address was supported by

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* Debrett's State Papers, vol. ix. pp. 118, 153. 158, 160.

Mr. Canning and Mr. Pitt, and powerfully opposed by Mr. Whitbread, Mr. Erskine, and Mr. Fox. As soon as Mr. Pitt had concluded his speech,

Mr. Fox rose and spoke as follows :—" Mr. Speaker, at so late an hour of the night, I am sure you will do me the justice to believe that I do not mean to go at length into the discussion of this great question. Exhausted as the attention of the House must be, and unaccustomed as I have been of late to attend in my place, nothing but a deep sense of my duty could have induced me to trouble you at all, and particularly to request your indulgence at such an hour.

" Sir, my honourable and learned friend (Mr. Erskine) has truly said, that the present is a new era in the war. The right honourable the Chancellor of the Exchequer feels the justice of the remark ; for, by travelling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge, that, at the end of a seven years' conflict, we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have been so constantly falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What ! at the end of seven years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy, as a ground of confidence and of hope ? Gracious God ! were we not told, five years ago, ' that France was not only on the brink, but that she was actually sunk in the gulph of bankruptcy ?' Were we not told, as an unanswerable argument against treating, ' that she could not hold out another campaign ; that nothing but peace could save her ; that she wanted only time to recruit her exhausted finances ; that to grant her repose, was to grant her the means of again molesting this country, and that we had nothing to do but to persevere for a short time, in order to save ourselves for ever from the consequences of her ambition and her jacobinism ?' What ! after having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told, that we have the same prospect of success on the same identical grounds ? And without any other argument or security, are we invited, at this new era of the war, to carry it on upon principles which, if adopted, may make it eternal ? If the right honourable gentleman should succeed in prevailing on Parliament and the country to adopt the principles which he has advanced this night, I see no possible termination to the contest. No man can see an end to it ; and upon the assurances and predictions which have so uniformly failed, are we called upon, not merely to refuse all negotiation, but to countenance principles and views as distant from wisdom and justice, as they are in their nature wild and impracticable.

"I must lament, Sir, in common with every friend of peace, the harsh and unconciliating language which Ministers have held towards the French, and which they have even made use of in their answer to a respectful offer of negotiation. Such language has ever been considered as extremely unwise, and has ever been reprobated by diplomatic men. I remember with pleasure the terms in which Lord Malmesbury at Paris, in the year 1796, replied to expressions of this sort, used by M. de la Croix. He justly said, 'that offensive and injurious insinuations were only calculated to throw new obstacles in the way of accommodation, and that it was neither by revolting reproaches, nor by reciprocal invective, that a sincere wish to accomplish the great work of pacification could be evinced.'* Nothing could be more proper nor more wise than this language; and such ought ever to be the tone and conduct of men entrusted with the very important task of treating with a hostile nation. Being a sincere friend to peace, I must say with Lord Malmesbury, that it is not by reproaches and by invective that we can hope for a reconciliation; and I am convinced in my own mind, that I speak the sense of this House, and of a majority of the people of this country, when I lament that any unnecessary recriminations should be flung out, by which obstacles are put in the way of pacification. I believe that it is the prevailing sentiment of the people, that we ought to abstain from harsh and insulting language; and in common with them I must lament, that both in the papers of Lord Grenville, and in the speeches of this night, such license has been given to invective and reproach. For the same reason I must lament that the right honourable gentleman has thought proper to go at such length, and with such severity of minute investigation, into all the early circumstances of the war, which, whatever they were, are nothing to the present purpose, and ought not to influence the present feelings of the House.

"I certainly shall not follow him into all the minute detail, though I do not agree with him in many of his assertions. I do not know what impression his narrative may make on other gentlemen; but I will tell him, fairly and candidly, he has not convinced me. I continue to think, and until I see better grounds for changing my opinion, than any that the right honourable gentleman has this night produced, I shall continue to think and to say, plainly and explicitly, that this country was the aggressor in the war. But with regard to Austria and Prussia; is there a man who, for one moment, can dispute that they were the aggressors? It will be vain for the right honourable gentlemen to enter into long and plausible reasoning against the evidence of documents so clear, so decisive—so frequently, so thoroughly investigated. The unfortunate Louis the Sixteenth himself, as well as those who were in his confidence, have borne decisive testimony to the fact, that between him and the Emperor, there was an intimate correspondence, and a perfect understanding. Do I mean by this that a positive treaty was entered into for the dismemberment of France? Certainly not: but no man can read the declarations which were made at Mantua,* as well as at Pilnitz,† as they are given by M. Bertrand de Moleville, without acknowledging that there was not merely an intention, but a declaration of an intention, on the part of the great powers of Germany, to interfere in the internal affairs of France, for the purpose of regulating the government against the opinion of the people. This, though not a plan for the partition of France, was, in the eye of reason and common sense, an aggression against France. The right honourable gentleman denies that there was such a thing as a treaty of Pilnitz. Granted. But was there not a declaration which amounted to an act of hostile aggression? The two powers, the Emperor of Germany and the King of Prussia, made a public declaration, that they were determined to employ their forces, in conjunction with those of the other sovereigns of Europe, 'to put the King of France in a situation to establish, in perfect liberty, the foundations of a monarchical government, equally agreeable to the rights of sovereigns, and the welfare of the French.' Whenever the other princes should agree to co-operate with them, 'then, and in that case, their Majesties were determined to act promptly, and by mutual consent, with the forces necessary to obtain the end proposed by all of them. In the mean time they declared, that they would give orders for their troops to be ready for actual service.' Now, I would ask gentlemen to lay their hands upon their hearts, and say, what the fair construction of this declaration was; whether it was not a menace and an insult to France, since, in direct terms, it declared, that whenever the other powers should concur, they would attack France, then at peace with them, and then employed only in domestic and internal regulations? Let us suppose the case to be that of Great Britain. Will any gentleman say, if two of the great powers should make a public declaration, that they were determined to make an attack on this kingdom as soon as circumstances should favour their intention; that they only waited for this occasion; and that in the mean time they would keep their forces ready for the purpose; that it would not be considered by the Parliament and people of this country as a hostile aggression? And is there an Englishman in existence, who is such a friend to peace as to say, that the nation could retain its honour and dignity if it should sit down under such a menace? I know too well what is due to the national character of England, to believe that there would be two opinions on the case, if thus put home to our own feelings and understanding. We must, then, respect in others the indignation which such an act would excite in ourselves; and when we see it established on the most indisputable testimony, that both at Pilnitz and at Mantua declarations were made to this effect, it is idle to say, that as far as the Emperor and the King of Prussia were concerned, they were not the aggressors in the war.

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* Debrett's State Papers, vol. v. p. 179.

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* In May, 1791, the Emperor of Germany, the King of Sardinia, and the King of Spain, concluded an agreement at Mantua, by which it was provided, 1. That the Emperor should assemble thirty-five thousand men on the frontiers of Flanders and fifteen thousand on those of Alsace; fifteen thousand Swiss were to assemble on the frontiers of Franche Comté; a similar body of Piedmontese on the frontiers of Dauphiny; and the King of Spain was to collect an army of twenty thousand men on the Pyrenees. 2. That these forces were to be formed into five armies, which were to act on their respective frontiers of France, and join themselves to the malcontents in the provinces and the troops who had preserved their allegiance to the throne. 3. That in the following July, a protestation was to be issued by the princes of the House of Bourbon, and immediately after a manifesto by the allied powers. 4. That the object of these assemblages of troops was, that the French people, terrified at the approach of the allied forces, should seek for safety in submitting themselves to the King, and imploring his mediation. Alison's Hist. of Europe, vol. iii. p. 153, seventh edition.

† *Vide ante*, p. 581, note.

"'Oh! but the decree of the 19th of November, 1792![*] that, at least,' the right honourable gentleman says, 'you must allow to be an act of aggression, not only against England, but against all the sovereigns of Europe.' I am not one of those, Sir, who attach much interest to general and indiscriminate provocations thrown out at random, like this resolution of the 19th of November, 1792. I do not think it necessary to the dignity of any people to notice and to apply to themselves menaces flung out without particular allusion, which are always unwise in the power which uses them, and which it is still more unwise to treat with seriousness. But, if any such idle and general provocation to nations is given, either in insolence or in folly, by any government, it is a clear first principle, that an explanation is the thing which a magnanimous nation, feeling itself aggrieved, ought to demand; and if an explanation be given which is not satisfactory, it ought clearly and distinctly to say so. There ought to be no ambiguity, no reserve on the occasion. Now, we all know, from documents on our table, that M. Chauvelin did give an explanation of this silly decree. He declared, in the name of his Government, 'that it was never meant that the French Government should favour insurrections; that the decree was applicable only to those people, who, after having acquired their liberty by conquest, should demand the assistance of the republic; but that France would respect, not only the independence of England, but also that of those of her allies with whom she was not at war.'[†] This was the explanation given of the offensive decree. 'But this explanation was not satisfactory.' Did you say so to M. Chauvelin? Did you tell him that you were not content with this explanation? And when you dismissed him afterwards, on the death of the King, did you say that this explanation was unsatisfactory? No; you did no such thing: and I contend, that unless you demanded further explanations, and they were refused, you have no right to urge the decree of the 19th of November as an act of aggression. In all your conferences and correspondence with M. Chauvelin, did you hold out to him what terms would satisfy you? Did you give the French the power or the means of settling the misunderstanding which that decree, or any other of the points at issue, had created? I contend, that when a nation refuses to state to another the thing which would satisfy her, she shows that she is not actuated by a desire to preserve peace between them: and I aver that this was the case here. The Scheldt, for instance. You now say, that the navigation of the Scheldt was one of your causes of complaint. Did you explain yourself on that subject? Did you make it one of the grounds for the dismissal of M. Chauvelin? Sir, I repeat it, a nation, to justify itself in appealing to the last solemn resort, ought to prove that it had taken every possible means, consistent with dignity, to demand the reparation which would be satisfactory, and if she refused to explain what would be satisfactory, she did not do her duty, nor exonerate herself from the charge of being the aggressor.

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[*] *Vide ante*, p. 467, note.

[†] Debrett's State Papers, vol. i. p. 225.

"The right honourable gentleman has this night, for the first time, produced a most important paper—the instructions which were given to his Majesty's Minister at the Court of St. Petersburgh, about the end of the year 1792, to interest her Imperial Majesty to join her efforts with those of his Britannic Majesty, to prevent, by their joint mediation, the evils of a general war. Of this paper, and of the existence of any such document, I for one was entirely ignorant; but I have no hesitation in saying, that I completely approve of the instructions which appear to have been given; and I am sorry to see the right honourable gentleman disposed rather to take blame to himself than credit for having written it. He thinks that he shall be subject to the imputation of having been rather too slow to apprehend the dangers with which the French Revolution was fraught, than that he was forward and hasty—'Quod solum excusat, hoc solum miror in illo.' I do not agree with him on the idea of censure. I by no means think that he was blamable for too much confidence in the good intentions of the French. I think the tenor and composition of this paper were excellent—the instructions conveyed in it wise; and that it wanted but one essential thing to have entitled it to general approbation, namely, to be acted upon. The clear nature and intent of that paper, I take to be, that our Ministers were to solicit the Court of Petersburgh to join with them in a declaration to the French Government, stating explicitly what course of conduct, with respect to their foreign relations, they thought necessary to the general peace and security of Europe, and what, if complied with, would have induced them to mediate for that purpose—a proper, wise, and legitimate course of proceeding. Now, I ask, Sir, whether, if this paper had been communicated to Paris at the end of the year 1792, instead of Petersburgh, it would not have been productive of most seasonable benefits to mankind; and, by informing the French in time of the means by which they might have secured the mediation of Great Britain, have not only avoided the rupture with this country, but have also restored general peace to the continent? The paper, Sir, was excellent in its intentions; but its merit was all in the composition.

It was a fine theory, which Ministers did not think proper to carry into practice. Nay, on the contrary, at the very time they were drawing up this paper, they were insulting M. Chauvelin, in every way, until about the 23rd or 24th of January, 1793, they finally dismissed him, without stating any one ground upon which they were willing to preserve terms with the French.

" 'But France,' it seems, 'then declared war against us; and she was the aggressor, because the declaration came from her.' Let us look at the circumstances of this transaction on both sides. Undoubtedly, the declaration was made by her; but is a declaration the only thing that constitutes the commencement of a war? Do gentlemen recollect, that, in consequence of a dispute about the commencement of war, respecting the capture of a number of ships, an article was inserted in our treaty with France, by which it was positively stipulated, that in future, to prevent all disputes, the act of the dismissal of a Minister from either of the two courts should be held and considered as tantamount to a declaration of war?* I mention this, Sir, because, when we are idly employed in this retrospect of the origin of a war which has lasted so many years, instead of fixing our eyes only on the contemplation of the means of putting an end to it, we seem disposed to overlook everything on our own parts, and to search only for grounds of imputation on the enemy. I almost think it an insult to the House to detain them with this sort of examination. If, Sir, France was the aggressor, as the right honourable gentleman says she was throughout, why did not Prussia call upon us for the stipulated number of troops, according to the article of the defensive treaty of alliance subsisting between us, by which, in case either of the contracting parties was attacked, they had a right to demand the stipulated aid? And the same thing, again, may be asked when we were attacked. The right honourable gentleman might here accuse himself, indeed, of reserve; but it unfortunately happened, that, at the time, the point was too clear on which side the aggression lay. Prussia was too sensible that the war could not entitle her to make the demand, and that it was not a case within the scope of the defensive treaty. This is evidence worth a volume of subsequent reasoning; for if, at the time when all the facts were present to their minds, they could not take advantage of existing treaties, and that, too, when the courts were on the most friendly terms with one another, it will be manifest to every thinking man that they were sensible they were not authorized to make the demand.

" I really, Sir, cannot think it necessary to follow the right honourable gentleman into all the minute details which he has thought proper to give us respecting the first aggression; but, that Austria and Prussia were the aggressors, not a man in any country, who has ever given himself the trouble to think at all on the subject, can doubt. Nothing could be more hostile than their whole proceedings. Did they not declare to France, that it was their internal concerns, not their external proceedings, which provoked them to confederate against her? Look back to the proclamations with which they set out. Read the declarations which they made themselves, to justify their appeal to arms. They did not pretend to fear their ambition, their conquests, their troubling their neighbours; but they accused them of new-modelling their own government. They said nothing of their aggressions abroad; they spoke only of their clubs and societies at Paris.

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* See Art. II. of the Treaty of Commerce and Navigation between Great Britain and France, dated the 26th of September, 1786, Annual Register, vol. xxviii. p. 267.

"Sir, in all this I am not justifying the French—I am not striving to absolve them from blame, either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable, in various instances, as any of the most despotic and unprincipled governments that the world ever saw. I think it impossible, Sir, that it should have been otherwise. It was not to be expected that the French, when once engaged in foreign wars, should not endeavour to spread destruction around them, and to form plans of aggrandizement and plunder on every side. Men bred in the school of the House of Bourbon could not be expected to act otherwise. They could not have lived so long under their ancient masters without imbibing the restless ambition, the perfidy, and the insatiable spirit of the race. They have imitated the practice of their great prototype, and through their whole career of mischief and of crimes have done no more than servilely trace the steps of their own Louis the Fourteenth. If they have overrun countries and ravaged them, they have done it upon Bourbon principles. If they have ruined and dethroned sovereigns, it is entirely after the Bourbon manner. If they have even fraternized with the people of foreign countries, and pretended to make their cause their own, they have only faithfully followed the Bourbon example. They have constantly had Louis, the Grand Monarque, in their eye. But it may be said, that this example was long ago, and that we ought not to refer to a period so distant. True, it is a distant period as applied to the man, but not so to the principle. The principle was never extinct; nor has its operation been suspended in France, except, perhaps, for a short interval during the administration of Cardinal Fleury; and my complaint against the republic of France is, not that she has generated new crimes, not that she has promulgated new mischief, but that she has adopted and acted upon the principles which have been so fatal to Europe, under the practice of the House of Bourbon. It is said, that wherever the French have gone they have introduced revolution; that they have sought for the means of disturbing neighbouring states, and have not been content with mere conquest. What is this but adopting the ingenious scheme of Louis the Fourteenth? He was not content with merely overrunning a state; whenever he came into a new territory he established what he called his chamber of claims; a most convenient device, by which he inquired whether the conquered country or province had any dormant or disputed claims, any cause of complaint, any unsettled demand upon any other state or province; upon which he might wage war upon such state, thereby discover again ground for new devastation, and gratify his ambition by new acquisitions. What have the republicans done more atrocious, more jacobinical, than this? Louis went to war with Holland. His pretext was, that Holland had not treated him with sufficient respect; a very just and proper cause for war indeed! This, Sir, leads me to an example which I think seasonable, and worthy the attention of his Majesty's Ministers. When our Charles the Second, as a short exception to the policy of his reign, made the triple alliance for the protection of Europe, and particularly of Holland, against the ambition of Louis the Fourteenth, what was the conduct of that great, virtuous, and most able statesman, M. de Witte, when the confederates came to deliberate on the terms upon which they should treat with the French monarch? When it was said, that he had made unprincipled conquests, and that he ought to be forced to surrender them all, what was the language of that great and wise man? 'No,' said he; 'I think we ought not to look back to the origin of the war, so much as the means of putting an end to it. If you had united in time to prevent these conquests, well; but, now that he has made them, he stands upon the ground of conquest, and we must agree to treat with him, not with reference to the origin of the conquest, but with regard to his present posture. He has those places, and some of them we must be content to give up as the means of peace; for conquest will always successfully set up its claims to indemnification.' Such was the language of this Minister, who was the ornament of his time; and such, in my mind, ought to be the language of statesmen with regard to the French at this day. The same ought to have been said at the formation of the confederacy. It was true that the French had overrun Savoy; but they had overrun it upon Bourbon principles; and having gained this and other conquests before the confederacy was formed, they ought to have treated with her rather for future security than for past correction. States in possession, whether monarchical or republican, will claim indemnity in proportion to their success; and it will never be so much inquired by what right they gained possession, as by what means they can be prevented from enlarging their depredations. Such is the safe practice of the world; and such ought to have been the conduct of the powers when the reduction of Savoy made them coalesce.

"The right honourable gentleman may know more of the secret particulars of their overrunning Savoy than I do; but certainly, as they have come to my knowledge, it was a most Bourbon-like act. A great and justly celebrated historian, whom I will not call a foreigner—I mean Mr. Hume (a writer, certainly estimable in many particulars, but who was a childish lover of princes)—talks of Louis the Fourteenth in very magnificent terms; but he says of him, that, though he managed his enterprises with skill and bravery, he was unfortunate in this, that he never got a good and fair pretence for war. This he reckons among his misfortunes! Can we say more of the republican French? In seizing on Savoy, I think they made use of the words, 'convenances morales et physiques.' These were their reasons. A most Bourbon-like phrase! And I therefore contend that, as we never scrupled to treat with the princes of the House of Bourbon on account of their rapacity, their thirst of conquest, their violation of treaties, their perfidy, and their restless spirit, so we ought not to refuse to treat with their republican imitators. Ministers could not pretend ignorance of the unprincipled manner in which the French had seized on Savoy. The Sardinian Minister complained of the aggression, and yet no stir was made about it. The Courts of Europe stood by and saw the outrage; and our Ministers saw it. The right honourable gentleman will in vain, therefore, exert his powers to persuade me of the interest he takes in the preservation of the rights of nations, since, at the moment when an interference might have been made with effect, no step was taken, no remonstrance made, no mediation negotiated, to stop the career of conquest. All the pretended and hypocritical sensibility for the 'rights of nations and for social order,' with which we have since been stunned, cannot impose upon those who will take the trouble to look back to the period when this sensibility ought to have roused us into seasonable exertion. At that time, however, the right honourable gentleman makes it his boast that he was prevented, by a sense of neutrality, from taking any measures of precaution on the subject. I do not give the right honourable gentleman much credit for his spirit of neutrality on the occasion. It flowed from the sense of the country at the time, the great majority of which was clearly and decidedly against all interruptions being given to the French in their desire of regulating their own internal government.

"But this neutrality, which respected only the internal rights of the French, and from which the people of England would never have departed but for the impolitic and hypocritical cant which was set up to rouse their jealousy and alarm their fears, was very different from the great principle of political prudence which ought to have actuated the councils of the nation, on seeing the first steps of France towards a career of external conquest. My opinion is, that when the unfortunate King of France offered to us, in the letter delivered by M. Chauvelin and M. Talleyrand, and even entreated us to mediate between him and the allied powers of Austria and Prussia, they ought to have accepted the offer, and exerted their influence to save Europe from the consequence of a system which was then beginning to manifest itself. It was, at least, a question of prudence; and as we had never refused to treat and to mediate with the old princes on account of their ambition or their perfidy, we ought to have been equally ready now, when the same principles were acted upon by other men. I must doubt the sensibility which could be so cold and so indifferent at the proper moment for its activity. I fear that there were at that moment the germs of ambition rising in the mind of the right honourable gentleman, and that he was beginning, like others, to entertain hopes that something might be obtained out of the coming confusion. What but such a sentiment could have prevented him from overlooking the fair occasion that was offered for preventing the calamities with which Europe was threatened? What but some such interested principle could have made him forego the truly honourable task, by which his administration would have displayed its magnanimity and its power? But for some such feeling would not this country, both in wisdom and in dignity, have interfered, and in conjunction with the other powers, have said to France, 'You ask for a mediation; we will mediate with candour and sincerity, but we will at the same time declare to you our apprehensions. We do not trust to your assertion of a determination to avoid all foreign conquest, and that you are desirous only of settling your own constitution, because your language is contradicted by experience and the evidence of facts. You are Frenchmen, and you cannot so soon have thrown off the Bourbon principles in which you were educated. You have already imitated the bad practice of your princes; yon have seized on Savoy without a colour of right. But here we take our stand. Thus far you have gone, and we cannot help it; but you must go no further. We will tell you distinctly what we shall consider as an attack on the balance and the security of Europe; and, as the condition of our interference, we will tell you also the securities that we think essential to the general repose.' This ought to have been the language of his Majesty's Ministers when their mediation was solicited; and something of this kind they evidently thought of when they sent the instructions to Petersburgh which they have mentioned this night, but upon which they never acted. Having not done so, I say they have no claim to talk now about the violated rights of Europe, about the aggression of the French, and about the origin of the war, in which this country was so suddenly afterwards plunged. Instead of this, what did they do? They hung back; they avoided explanation; they gave the French no means of satisfying them; and I repeat my proposition: when there is a question of peace and war between two nations, that government feels itself in the wrong which refuses to state with clearness and precision what she would consider as a satisfaction and a pledge of peace.

"Sir, if I understand the true precepts of the Christian Religion, as set forth in the New Testament, I must be permitted to say, that there is no such thing as a rule or doctrine by which we are directed, or can be justified, in waging a war for religion. The idea is subversive of the very foundations upon which it stands, which are those of peace and good-will among men. Religion never was, and never can be, a justifiable cause of war; but it has been too often grossly used as the pretext and the apology for the most unprincipled wars.

"I have already said, and I repeat it, that the conduct of the French to foreign nations cannot be justified. They have given great cause of offence, but certainly not to all countries alike. The right honourable gentlemen opposite to me have made an indiscriminate catalogue of all the countries which the French have offended, and, in their eagerness to throw odium on the nation, have taken no pains to investigate the sources of their several quarrels. I will not detain the House by entering into the long detail which has been given of their aggressions and their violences; but let me mention Sardinia as one instance which has been strongly insisted upon. Did the French attack Sardinia when at peace with them? No such thing. The

King of Sardinia had accepted of a subsidy from Great Britain; and Sardinia was, to all intents and purposes, a belligerent power. Several other instances might be mentioned; but though, perhaps, in the majority of instances, the French may be unjustifiable, is this the moment for us to dwell upon these enormities—to waste our time, and inflame our passions, by recriminating upon each other? There is no end to such a war. I have somewhere read, I think in Sir Walter Raleigh's History of the World, of a most bloody and fatal battle which was fought by two opposite armies, in which almost all the combatants on both sides were killed, 'because,' says the historian, 'though they had offensive weapons on both sides, they had none for defence.' So, in this war of words, if we are to use only offensive weapons, if we are to indulge only in invective and abuse, the contest must be eternal. If this war of reproach and invective is to be countenanced, may not the French with equal reason complain of the outrages and the horrors committed by the powers opposed to them? If we must not treat with the French on account of the iniquity of their former transactions, ought we not to be as scrupulous of connecting ourselves with other powers equally criminal? Surely, Sir, if we must be thus rigid in scrutinizing the conduct of an enemy, we ought to be equally careful in not committing our honour and our safety with an ally who has manifested the same want of respect for the rights of other nations. Surely, if it is material to know the character of a power with whom you are only about to treat for peace, it is more material to know the character of allies, with whom you are about to enter into the closest connexion of friendship, and for whose exertions you are about to pay.

"Now, Sir, what was the conduct of your own allies to Poland? Is there a single atrocity of the French, in Italy, in Switzerland, in Egypt, if you please, more unprincipled and inhuman than that of Russia, Austria, and Prussia, in Poland? What has there been in the conduct of the French to foreign powers; what in the violation of solemn treaties; what in the plunder, devastation, and dismemberment, of unoffending countries; what in the horrors and murders perpetrated upon the subdued victims of their rage in any district which they have overrun, worse than the conduct of those three great powers in the miserable, devoted, and trampled-on, kingdom of Poland, and who have been, or are, our allies in this war for religion, social order, and the rights of nations? 'Oh, but you *regretted* the partition of Poland!' Yes, regretted! you regretted the violence, and that is all you did. You united yourselves with the actors; you, in fact, by your acquiescence, confirmed the atrocity. But they are your allies; and though they overran and divided Poland, there was nothing, perhaps, in the manner of doing it which stamped it with peculiar infamy and disgrace. The hero of Poland, perhaps, was merciful and mild! He was 'as much superior to Bonaparte in bravery, and in the discipline which he maintained, as he was superior in virtue and humanity! He was animated by the purest principles of Christianity, and was restrained in his career by the benevolent precepts which it inculcates!' Was he? Let unfortunate Warsaw, and the miserable inhabitants of the suburb of Praga in particular, tell! What do we understand to have been the conduct of this magnanimous hero, with whom, it seems, Bonaparte is not to be compared? He entered the suburb of Praga, the most populous suburb of Warsaw; and there he let his soldiery loose on the miserable, unarmed, and unresisting people! Men, women, and children, nay, infants at the breast, were doomed to one indiscriminate massacre! Thousands of them were inhumanly, wantonly, butchered! And for what? Because they had dared to join in a wish to meliorate their own condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment. And such is the hero upon whom the cause of 'religion and social order' is to repose! And such is the man whom we praise for his discipline and his virtue, and whom we hold out as our boast and our dependence; while the conduct of Bonaparte unfits him to be even treated with as an enemy!

" But the behaviour of the French towards Switzerland raises all the indignation of the right honourable gentleman, and inflames his eloquence. I admire the indignation which he expresses (and I think he felt it) in speaking of this country, so dear and so congenial to every man who loves the sacred name of liberty. He who loves liberty, says the right honourable gentleman, thought himself at home on the favoured and happy mountains of Switzerland, where she seemed to have taken up her abode under a sort of implied compact, among all other states, that she should not be disturbed in this her chosen asylum. I admire the eloquence of the right honourable gentleman in speaking of this country of liberty and peace, to which every man would desire, once in his life at least, to make a pilgrimage. But who, let me ask him, first proposed to the Swiss people to depart from the neutrality which was their chief protection, and to join the confederacy against the French? I aver, that a noble relation of mine (Lord Robert Fitzgerald), then the Minister of England to the Swiss Cantons, was instructed, in direct terms, to propose to the Swiss, by an official note, to break from the safe line they had laid down for themselves, and to tell them, 'in such a contest neutrality was criminal.' I know that noble lord too well, though I have not been in habits of intercourse with him of late, from the employments in which he has been engaged, to suspect that he would have presented such a paper without the express instructions of his Court, or that he would have gone beyond those instructions.

" But was it only to Switzerland that this sort of language was held? What was our language also to Tuscany and to Genoa? An honourable gentleman (Mr. Canning) has denied the authenticity of a pretended letter which has been circulated, and ascribed to Lord Harvey. He says, it is all a fable and a forgery. Be it so: but is it also a fable that Lord Harvey did speak in terms to the Grand Duke, which he considered as offensive and insulting? I cannot tell, for I was not present. But was it not, and is it not, believed? Is it a fable that Lord Harvey went into the closet of the

Grand Duke, laid his watch upon the table, and demanded, in a peremptory manner, that he should, within a certain number of minutes, I think I have heard within a quarter of an hour, determine, aye or no, to dismiss the French minister, and order him out of his dominions; with the menace, that if he did not, the English fleet should bombard Leghorn? Will the honourable gentleman deny this also? I certainly do not know it from my own knowledge; but I know that persons of the first credit, then at Florence, have stated these facts, and that they have never been contradicted. It is true, that upon the Grand Duke's complaint of this indignity, Lord Harvey was recalled; but was the principle recalled? Was the mission recalled? Did not Ministers persist in the demand which Lord Harvey had made, perhaps ungraciously? Was not the Grand Duke forced, in consequence, to dismiss the French minister? and did they not drive him to enter into an unwilling war with the republic? It is true, that he afterwards made his peace; and that, having done so, he was treated severely and unjustly by the French. But what do I conclude from all this, but that we have no right to be scrupulous—we who have violated the respect due to peaceable powers ourselves, in this war, which, more than any other that ever afflicted human nature, has been distinguished by the greatest number of disgusting and outrageous insults to the smaller powers by the great. And I infer from this also, that the instances not being confined to the French, but having been perpetrated by every one of the allies, and by England as much as by the others, we have no right to refuse to treat with the French on this ground. Need I speak of your conduct to Genoa also? Perhaps the note delivered by Mr. Drake was also a forgery. Perhaps the blockade of the port never took place. It is impossible to deny the facts which were so glaring at the time. It is a painful thing to me, Sir, to be obliged to go back to these unfortunate periods of the history of this war, and of the conduct of this country; but I am forced to the task by the use which has been made of the atrocities of the French as an argument against negotiation. I think I have said enough to prove, that if the French have been guilty, we have not been innocent. Nothing but determined incredulity can make us deaf and blind to our own acts, when we are so ready to yield an assent to all the reproaches which are thrown out on the enemy, and upon which reproaches we are gravely told to continue the war.

" 'But the French,' it seems, 'have behaved ill everywhere. They seized on Venice, which had preserved the most exact neutrality, or rather,' as it is hinted, 'had manifested symptoms of friendship to them.' I agree with the right honourable gentleman, it was an abominable act. I am not the apologist of, much less the advocate for, their iniquities; neither will I countenance them in their pretences for the injustice. I do not think that much regard is to be paid to the charges which a triumphant soldiery bring on the conduct of a people whom they have overrun. Pretences for outrage will never be wanting to the strong, when they wish to trample on the weak; but when we accuse the French of having seized on Venice, after stipulating for its neutrality and guaranteeing its independence, we should also remember the excuse that they made for the violence; namely, that their troops had been attacked and murdered. I say, I am always incredulous about such excuses; but I think it fair to hear whatever can be alleged on the other side. We cannot take one side of a story only. Candour demands that we should examine the whole before we make up our minds on the guilt. I cannot think it quite fair to state the view of the subject of one party as indisputable fact, without even mentioning what the other party has to say for itself. But, Sir, is this all? Though the perfidy of the French to the Venetians be clear and palpable, was it worse in morals, in principle, and in example, than the conduct of Austria? My honourable friend (Mr. Whitbread) properly asked, 'Is not the receiver as bad as the thief?' If the French seized on the territory of Venice, did not the Austrians agree to receive it? 'But this,' it seems, 'is not the same thing.' It is quite in the nature, and within the rule of diplomatic morality, for Austria to receive the country which was thus seized upon unjustly. 'The Emperor took it as a compensation; it was his by barter; he was not answerable for the guilt by which it was obtained.' What is this, Sir, but the false and abominable reasoning with which we have been so often disgusted on the subject of the slave-trade? Just in the same manner have I heard a notorious wholesale dealer in this inhuman traffic justify his abominable trade. 'I am not guilty of the horrible crime of tearing that mother from her infants; that husband from his wife; of depopulating that village; of depriving that family of their sons, the support of their aged parent! No; thank Heaven! I am not guilty of this horror; I only bought them in the fair way of trade. They were brought to the market; they had been guilty of crimes, or they had been made prisoners in war; they were accused of witchcraft, of obi, or of some other sort of sorcery; and they were brought to me for sale; I gave a valuable consideration for them; but God forbid that I should have stained my soul with the guilt of dragging them from their friends and families!' Such has been the precious defence of the slave-trade; and such is the argument set up for Austria, in this instance of Venice. 'I did not commit the crime of trampling on the independence of Venice. I did not seize on the city; I gave a *quid pro quo.* It was a matter of barter and indemnity; I gave half a million of human beings to be put under the yoke of France in another district, and I had these people turned over to me in return!' This, Sir, is the defence of Austria; and under such detestable sophistry as this, is the infernal traffic in human flesh, whether in white or black, to be continued, and even justified! At no time has that diabolical traffic been carried to a greater length than during the present war; and that by England herself, as well as Austria and Russia.

"'But France,' it seems, 'has roused all the nations of Europe against her;' and the long catalogue has been read to you, to prove that she must have been atrocious to provoke them all. Is it true, Sir, that she has roused them all? It does not say much for the address of his Majesty's Ministers, if this be the case. What, Sir! have all your negotiations, all your declamation, all your money, been squandered in vain? Have you not succeeded in stirring the indignation, and engaging the assistance of a single power? But you do yourselves injustice. I dare say the truth lies between you. Between their crimes and your money the rage has been excited; and full as much is due to your seductions, as to her atrocities. My honourable and learned friend (Mr. Erskine) was correct, therefore, in his argument; for you cannot take both sides of the case: you cannot accuse them of having provoked all Europe, and at the same time claim the merit of having roused them to join you.

"You talk of your allies. Sir, I wish to know who your allies are? Russia is one of them, I suppose. Did France attack Russia? Has the magnanimous Paul taken the field for social order and religion, on account of personal aggression? The Emperor of Russia has declared himself Grand Master of Malta, though his religion is as opposite to that of the knights as ours is; and he is as much considered a heretic by the Church of Rome as we are. The King of Great Britain might, with as much propriety, declare himself the head of the order of the Chartreuse monks. Not content with taking to himself the commandery of this institution of Malta, Paul has even created a married man a knight, contrary to all the most sacred rules and regulations of the order. And yet this ally of ours is fighting for religion!—So much for his religion: let us see his regard to social order! How does he show his abhorrence of the principles of the French, in their violation of the rights of other nations? What has been his conduct to Denmark? He says to Denmark—'You have seditious clubs at Copenhagen—no Danish vessel shall enter the ports of Russia!' He holds a still more despotic language to Hamburgh. He threatens to lay an embargo on their trade; and he forces them to surrender up men who are claimed by the French as their citizens—whether truly or not, I do not inquire. He threatens them with his own vengeance if they refuse, and subjects them to that of the French if they comply. And what has been his conduct to Spain? He first sends away the Spanish Minister from Petersburgh, and then complains, as a great insult, that his minister was dismissed from Madrid! This is one of our allies; and he has declared that the object for which he has taken up arms, is to replace the ancient race of the house of Bourbon on the throne of France, and that he does this for the cause of religion and social order! Such is the respect for religion and social order which he himself displays; and such are the examples of it with which we coalesce!

"No man regrets, Sir, more than I do, the enormities that France has committed; but how do they bear upon the question as it now stands? Are we for ever to deprive ourselves of the benefits of peace, because France has perpetrated acts of injustice? Sir, we cannot acquit ourselves upon such ground. We have negotiated. With the knowledge of these acts of injustice and disorder, we have treated with them twice; yet, the right honourable gentleman cannot enter into negotiation with them now; and it is worth while to attend to the reasons that he gives for refusing their offer. The Revolution itself is no more an objection now, than it was in 1796, when he did negotiate; for the Government of France at that time was surely as unstable as it is now. The crimes of the French, the instability of their Government, did not then prevent him; and why are they to prevent him now? He negotiated with a Government as unstable, and baffled in that negotiation, he did not scruple to open another at Lisle, in 1797.* We have heard a very curious account of these negotiations this day, and, as the right honourable gentleman has emphatically told us, an 'honest' account of them. He says he has no scruple in avowing that he apprehended danger from the success of his own efforts to procure a pacification, and that he was not displeased at its failure. He was sincere in his endeavours to treat, but he was not disappointed when they failed. I wish to understand the right honourable gentleman correctly. His declaration on the subject, then, I take to be this—that though sincere in his endeavours to procure peace in 1797, yet he apprehended greater danger from accomplishing his object, than from the continuance of war; and that he felt this apprehension from the comparative views of the probable state of peace and war at that time. I have no hesitation in allowing the fact, that a state of peace, immediately after a war of such violence, must, in some respects, be a state of insecurity; but does this not belong, in a certain degree, to all wars? And are we never to have peace, because that peace may be insecure? But there was something, it seems, so peculiar in this war, and in the character and principles of the enemy, that the right honourable gentleman thought a peace in 1797 would be comparatively more dangerous than war. Why, then, did he treat? I beg the attention of the House to this—he treated, 'because the unequivocal sense of the people of England was declared to be in favour of a negotiation.' The right honourable gentleman confesses the truth, then, that in 1797 the people were for peace. I thought so at the time; but you all recollect, that when I stated it in my place, it was denied. 'True,' it was said, 'you have procured petitions; but we have petitions too: we all know in what strange ways petitions may be procured, and how little they deserve to be considered as the sense of the people.' This was their language at the time; but, now we find these petitions did speak the sense of the people, and that it was on this side of the House only that the sense of the people was spoken. The majority spoke a contrary language. It is acknowledged, then, that the unequivocal sense of the people of England may be spoken by the minority of this House, and that it is not always by the test of numbers that an honest decision is to be ascertained. This House decided against what the right honourable gentleman knew to be the sense of the country; but he himself acted upon that sense against the vote of Parliament.

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* The signature of the preliminaries of peace at Montebello, on the 24th of May, 1797, between the Emperor of Austria and the French republic, appeared to the British Government to afford a good opportunity for the renewal of pacific negotiations with France. A proposition to this effect was accordingly made by Lord Grenville, on behalf of the Court of Great Britain, and having been acceded to by the Executive Directory, Lord Malmesbury was again named Minister Plenipotentiary, to negotiate the terms of the proposed treaty. The negotiations were appointed to take place at Lisle; but, like the former negotiations at Paris, in the year 1796, they terminated unsuccessfully. See the Official Correspondence, published by the British Government, relative to the negotiation for peace carried on at Lisle, between Great Britain and the French Republic, Debrett's State Papers, vol. vi. pp. 207—276. See also Adolph. Hist. of the Reign of Geo. III. vol. vi. p. 633, *et seq.*

"The negotiation in 1796 went off, as my honourable and learned friend (Mr. Erskine) has said, upon the question of Belgium; or, as the right honourable gentleman asserts, upon a question of principle. He negotiated to please the people, but it went off 'on account of a monstrous principle advanced by France, incompatible with all negotiation.' This is now said. Did the right honourable gentleman say so at the time? Did he fairly and candidly inform the people of England, that they broke off the negotiation because the French had urged a basis that it was totally impossible for England at any time to grant? No such thing. On the contrary, when the negotiation broke off, they published a manifesto, 'renewing, in the face of all Europe, the solemn declaration, that whenever the enemy should be disposed to enter on the work of a general pacification, in a spirit of conciliation and equity, nothing should be wanting on their part to contribute to the accomplishment of that great object.'* And, accordingly, in 1797, notwithstanding this incompatible principle, and with all the enormities of the French on their heads, they opened a new negotiation at Lisle. They do not wait for any retraction of this incompatible principle; they do not wait even till overtures shall be made to them; but they solicit and renew a negotiation themselves. I do not blame them for this, Sir; I say only that it is an argument against the assertion of an incompatible principle. It is a proof that they did not then think as the right honourable gentleman now says they thought; but that they yielded to the sentiments of the nation, who were generally inclined to peace, against their own judgment; and, from a motive which I shall come to by and by, they had no hesitation, on account of the first rupture, to renew the negotiation—it was renewed at Lisle; and this the French broke off, after the revolution at Paris on the 4th of September. What was the conduct of Ministers upon this occasion? One would have thought, that, with the fresh insult at Lisle in their minds, with the recollection of their failure the year before at Paris, if it had been true that they found an incompatible principle, they would have talked a warlike language, and would have announced to their country and to all Europe, that peace was not to be obtained; that they must throw away the scabbard, and think only of the means of continuing the contest. No such thing. They put forth a declaration, in which they said, that they should look with anxious expectation for the moment when the Government of France should show a disposition and spirit in any degree corresponding with their own; and renewing before all Europe the solemn declaration, that at the very moment when the brilliant victory of Lord Duncan might have justified them in demanding more extravagant terms, they were willing, if the calamities of war could be closed, to conclude peace on the same moderate and equitable principles and terms which they had before proposed.* Such was their declaration upon that occasion; and in the discussions which we had upon it in this House, Ministers were explicit. They said, that by that negotiation, there had been given to the world what might be regarded as an unequivocal test of the sincerity and disposition of Government towards peace, or against it; for those who refuse discussion, show that they are disinclined to pacification; and it is therefore, they said, always to be considered as a test, that the party who refuses to negotiate, is the party who is disinclined to peace. This they themselves set up as the test. Try them now, Sir, by that test. An offer is made them. They rashly, and I think rudely, refuse it. Have they, or have they not, broken their own test?

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* Debrett's State Papers, vol. v. p. 212.

"But, they say, 'we have not refused all discussion.' They have put a case. They have expressed a wish for the restoration of the house of Bourbon, and have declared that to be an event which would immediately remove every obstacle to negotiation. Sir, as to the restoration of the house of Bourbon, if it shall be the wish of the people of France, I for one shall be perfectly content to acquiesce. I think the people of France, as well as every other people, ought to have the government which they like best themselves; and the form of that government, or the persons who hold it in their hands, should never be an obstacle with me to treat with the nation for peace, or to live with them in amity—but as an Englishman, and actuated by English feelings, I surely cannot wish for the restoration of the house of Bourbon to the throne of France. I hope that I am not a man to bear heavily upon any unfortunate family. I feel for their situation—I respect their distresses—but as a friend of England, I cannot wish for their restoration to the power which they abused. I cannot forget that the whole history of the century is little more than an account of the wars and the calamities arising from the restless ambition, the intrigues, and the perfidy of the house of Bourbon.

"I cannot discover, in any part of the laboured defence which has been set up for not accepting the offer now made by France, any argument to satisfy my mind that Ministers have not forfeited the test which they held out as infallible in 1797. An honourable gentleman (Mr. Canning) thinks, that Parliament should be eager only to approach the throne with declarations of their readiness to support his Majesty in the further prosecution of the war without inquiry; and he is quite delighted with an address, which he has found upon the journals, to King William, in which they pledged themselves to support him in his efforts to resist the ambition of Louis the Fourteenth. He thinks it quite astonishing how much it is in point, and how perfectly it applies to the present occasion. One would have thought, Sir, that in order to prove the application, he would have shown that an offer had been respectfully made by the Grand Monarque to King William, to treat, which he had peremptorily, and in very irritating terms, refused; and that, upon this, the House of Commons had come forward, and, with one voice, declared their determination to stand by him, with their lives and fortunes, in prosecuting the just and necessary war. Not a word of all this; and yet the honourable gentleman finds it quite a parallel case, and an exact model for the House, on this day, to pursue. I really think, Sir, he might as well have taken any other address upon the journals, upon any other topic, as this address to King William. It would have been equally in point, and would have equally served to show the honourable gentleman's talents for reasoning.

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* Debrett's State Papers, vol. vi. p. 272.

"Sir, I cannot here overlook another instance of this honourable gentleman's candid style of debating, and of his respect for Parliament. He has found out, it seems, that in former periods of our history, and even in periods which have been denominated good times, intercepted letters have been published; and he reads, from the Gazette, instances of such publication. Really, Sir, if the honourable gentleman had pursued the profession to which he turned his thoughts when younger, he would have learnt that it was necessary to find cases a little more in point. And yet, full of his triumph on this notable discovery, he has chosen to indulge himself in speaking of a most respectable and a most honourable person, and who is possessed of as sound an understanding as any man that I have the good fortune to be acquainted with, in terms the most offensive and disgusting, on account of words which he is supposed to have uttered in another place [alluding to the Duke of Bedford's speech in the House of Lords]. He has spoken of that noble person and of his intellect in terms which, were I disposed to retort, I might say, show the honourable gentleman to be possessed of an intellect which would justify me in passing over in silence anything that comes from such a man. Sir, that noble person did not speak of the mere act of publishing the intercepted correspondence; and the honourable gentleman's reference to the Gazettes of former periods is, therefore, not in point. The noble duke complained of the manner in which these intercepted letters had been published, not of the fact itself of their publication; for, in the introduction and notes to those letters, the ribaldry is such, that they are not screened from the execration of every honourable mind even by their extreme stupidity. The honourable gentleman says, that he must treat with indifference the intellect of a man who can ascribe the present scarcity of corn to the war. Sir, I think there is nothing either absurd or unjust in such an opinion. Does not the war, necessarily, by its magazines, and still more by its expeditions, increase consumption? But, when we learn that corn is, at this very moment, sold in France for less than half the price which it bears here, is it not a fair thing to suppose, that, but for the war and its prohibitions, a part of that grain would be brought to this country, on account of the high price which it would sell for, and that, consequently, our scarcity would be relieved from their abundance? I speak only upon report, of course; but I see that the price quoted in the French markets is less by one-half than the prices in England. There was nothing, therefore, very absurd in what fell from my noble friend; and I would really advise the honourable gentleman, when he speaks of persons distinguished for every virtue, to be a little more guarded in his language. I see no reason why he and his friends should not leave to persons in another place, holding the same opinions as themselves, the task of answering what may be thrown out there. Is not the phalanx sufficient? It is no great compliment to their talents, considering their number, that they cannot be left to the task of answering the few to whom they are opposed; but, perhaps, the honourable gentleman has too little to do in this House, and is to be sent there himself. In truth, I see no reason why even he might not be sent, as well as some others who have been sent there.

"To return to the subject of the negotiation in 1797. It is, in my mind, extremely material to attend to the account which the right honourable gentleman gives of his memorable negotiation of 1797, and of his motives for entering into it. In all questions of peace and war, he says, many circumstances must necessarily enter into the consideration; and that they are not to be decided upon the extremes: the determination must be made upon a balance and comparison of the evils or the advantages upon the one side and the other, and that one of the greatest considerations is that of finance. In 1797, the right honourable gentleman confesses he found himself peculiarly embarrassed as to the resources for the war, if they were to be found in the old and usual way of the funding system. Now, though he thought, upon his balance and comparison of considerations, that the evils of war would be fewer than those of peace, yet they would only be so provided that he could establish a 'new and solid system of finance' in the place of the old and exhausted funding system: and to accomplish this, it was necessary to have the unanimous approbation of the people. To procure this unanimity, he pretended to be a friend to negotiation, though he did not wish for the success of that negotiation, but hoped only that through that means he should bring the people to agree to his new and solid system of finance. With these views, then, what does he do? Knowing that, contrary to his declarations in this House, the opinion of the people of England was generally for peace, he enters into a negotiation, in which, as the world believed at the time, and even until this day, he completely failed. No such thing, Sir, he completely succeeded—for his object was not to gain peace; it was to gain over the people of this country to a 'new and a solid system of finance'—that is, to the raising a great part of the supplies within the year, to the triple assessment, and to the tax upon income! And how did he gain them over? By pretending to be a friend of peace, which he was not; and by opening a negotiation which he secretly wished might not succeed. The right honourable gentleman says, that in all this he was honest and sincere: he negotiated fairly, and would have obtained the peace, if the French had shown a disposition correspondent to his own; but he rejoiced that their conduct was such as to convince the people of England of the necessity of concurring with him in the views which he had, and in granting him the supply which he thought essential to their posture at the time. Sir, I will not say, that in all this he was not honest to his own purpose, and that he has not been honest in his declarations and confessions this night; but I cannot agree that he was honest to this House, or honest to the people of this country. To this House it was not honest to make them counteract the sense of the people, as he knew it to be expressed in the petitions upon the table; nor was it honest to the country to act in a disguise, and to pursue a secret purpose, unknown to them, while affecting to take the road which they pointed out. I know not whether this may not be honesty in the political ethics of the right honourable gentleman, but I know that it would be called by a very different name in the common transactions of society, and in the rules of morality established in private life. I know of nothing, in the history of this country, that it resembles, except, perhaps, one of the most profligate periods—the reign of Charles the Second, when the sale of Dunkirk might probably have been justified by the same pretence. Charles also declared war against France, and did it to cover a negotiation by which, in his difficulties, he was to gain a 'solid system of finance.'

"But, Sir, I meet the right honourable gentleman on his own ground. I say that you ought to treat on the same principle on which you treated in 1797, in order to gain the cordial co-operation of the people. 'We want experience, and the evidence of facts.' Can there be any evidence of facts equal to that of a frank, open, and candid negotiation? Let us see whether Bonaparte will display the same temper as his predecessors. If he shall do so, then you will confirm the people of England in their opinion of the necessity of continuing the war, and you will revive all the vigour which you roused in 1797. Or will you not do this until you have a reverse of fortune? Will you never treat but when you are in a situation of distress, and when you have occasion to impose on the people?

"'But,' you say, 'we have not refused to treat.' You have stated a case in which you will be ready immediately to enter into a negotiation, viz. the restoration of the house of Bourbon; but you deny that this is a *sine quâ non;* and in your nonsensical language, which I do not understand, you talk of 'limited possibilities,' which may induce you to treat without the restoration of the house of Bourbon. But do you state what you are? Now, Sir, I say, that if you put one case, upon which you declare that you are willing to treat immediately, and say that there are other possible cases which may induce you to treat hereafter, without mentioning what these possible cases are, you do state a *sine quâ non* of immediate treaty. Suppose I have an estate to sell, and I say my demand is one thousand pounds for it—I will sell the estate immediately for that sum. To be sure, there may be other terms upon which I may be willing to part with it; but I say nothing of them. The one thousand pounds is the only condition that I state now. Will any gentleman say, that I do not make the one thousand pounds the *sine quâ non* of the immediate sale? Thus, you say, the restoration of the princes is not the only possible ground; but you give no other. This is your *projet.* Do you demand a *contre projet?* Do you follow your own rule? Do you not do the thing of which you complained in the enemy? You seemed to be afraid of receiving another proposition; and by confining yourselves to this one point, you make it in fact, though not in terms, your *sine quâ non.*

"But the right honourable gentleman, in his speech, does what the official note avoids—He finds there the convenient words, 'experience and the evidence of facts;'—upon these he goes into detail: and, in order to convince the House that new evidence is required, he goes back to all the earliest acts and crimes of the Revolution—to all the atrocities of all the governments that have passed away; and he contends that he must have experience that these foul crimes are repented of, and that a purer and a better system is adopted in France, by which he may be sure that they shall be capable of maintaining the relations of peace and amity. Sir, these are not conciliatory words; nor is this a practical ground to gain experience. Does he think it possible, that evidence of a peaceable demeanour can be obtained in war? What does he mean to say to the French Consul? 'Until you shall in war behave yourself in a peaceable manner, I will not treat with you.' Is there not something extremely ridiculous in this? In duels, indeed, we have often heard of this kind of language. Two gentlemen go out, and fight; when, after discharging their pistols at one another, it is not an unusual thing for one of them to say to the other—'Now I am satisfied—I see that you are a man of honour, and we are friends again.' There is something, by the bye, ridiculous even in this; but between nations, it is more than ridiculous—it is criminal. It is a ground which no principle can justify, and which is as impracticable as it is impious. That two nations should be set on to beat one another into friendship, is too abominable even for the fiction of romance; but for a statesman seriously and gravely to lay it down as a system upon which he means to act, is monstrous. What can we say of such a test as he means to put the French government to, but that it is hopeless? It is in the nature of war to inflame animosity—to exasperate, not to soothe—to widen, not to approximate. And so long as this is to be acted upon, it is vain to hope that we can have the evidence which we require.

"The right honourable gentleman, however, thinks otherwise; and he points out four distinct possible cases, besides the re-establishment of the Bourbon family, in which he would agree to treat with the French.

"'1. If Bonaparte shall conduct himself so as to convince him that he has abandoned the principles which were objectionable in his predecessors, and that he shall be actuated by a more moderate system.' I ask you, Sir, if this is likely to be ascertained in war? It is the nature of war not to allay, but to inflame the passions; and it is not by the invective and abuse which have been thrown upon him and his government, nor by the continued irritations which war is sure to give, that the virtues of moderation and forbearance are to be nourished.

" '2. If, contrary to the expectations of Ministers, the people of France shall show a disposition to acquiesce in the government of Bonaparte.' Does the right honourable gentleman mean to say, that because it is an usurpation on the part of the present chief, therefore the people are not likely to acquiesce in it? I have not time, Sir, to discuss the question of this usurpation, or whether it is likely to be permanent; but I certainly have not so good an opinion of the French, or of any people, as to believe that it will be shortlived, merely because it was an usurpation, and because it is a system of military despotism. Cromwell was a usurper; and in many points there may be found a resemblance between him and the present Chief Consul of France. There is no doubt but that, on several occasions of his life, Cromwell's sincerity may be questioned, particularly in his self-denying ordinance; in his affected piety, and other things; but would it not have been insanity in France and Spain to refuse to treat with him, because he was a usurper? No, Sir, these are not the maxims by which governments are actuated. They do not inquire so much into the means by which power may have been acquired, as into the fact of where the power resides. The people did acquiesce in the government of Cromwell: but it may be said, that the splendour of his talents, the vigour of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the nation to acquiesce in his usurpation; and that we must not try Bonaparte by this example. Will it be said that Bonaparte is not a man of great abilities? Will it be said that he has not, by his victories, thrown a splendour over even the violence of the Revolution, and that he does not conciliate the French people by the high and lofty tone in which he speaks to foreign nations? Are not the French, then, as likely as the English in the case of Cromwell, to acquiesce in his government? If they should do so, the right honourable gentleman may find that this possible predicament may fail him. He may find that, though one power may make war, it requires two to make peace. He may find that Bonaparte was as insincere as himself in the proposition which he made; and in his turn he may come forward and say, 'I have no occasion now for concealment. It is true that, in the beginning of the year 1800, I offered to treat, not because I wished for peace, but because the people of France wished for it; and besides, my old resources being exhausted, and there being no means of carrying on the war without a 'new and solid system of finance,' I pretended to treat, because I wished to procure the unanimous assent of the French people to this new and solid system. Did you think I was in earnest? You were deceived. I now throw off the mask: I have gained my point; and I reject your offers with scorn.' Is it not a very possible case that he may use this language? Is it not within the right honourable gentleman's 'knowledge of human nature?' But even if this should not be the case, will not the very test which you require—the acquiescence of the people of France in his government, give him an advantage-ground in the negotiation which he does not possess now? Is it quite sure that, when he finds himself safe in his seat, he will treat on the same terms as now, and that you will get a better peace some time hence than you might reasonably hope to obtain at this moment? Will he not have one interest less than at present? And do you not overlook a favourable occasion, for a chance which is extremely doubtful? These are the considerations which I would urge on his Majesty's Ministers, against the dangerous experiment of waiting for the acquiescence of the people of France.

" ' 3. If the allies of this country shall be less successful than they have every reason to expect they will be, in stirring up the people of France against Bonaparte, and in the further prosecution of the war.' And,

" ' 4. If the pressure of the war should be heavier upon us than it would be convenient for us to continue to bear.' These are the other two possible emergencies in which the right honourable gentleman would treat even with Bonaparte. Sir, I have often blamed the right honourable gentleman for being disingenuous and insincere. On the present occasion I certainly cannot charge him with any such thing. He has made to-night a most honest confession. He is open and candid. He tells Bonaparte fairly what he has to expect. " I mean," says he, " to do everything in my power to raise up the people of France against you. I have engaged a number of allies, and our combined efforts shall be used to excite insurrection and civil war in France. I will strive to murder you, or to get you sent away. If I succeed, well; but if I fail, then I will treat with you. My resources being exhausted; even my solid system of finance having failed to supply me with the means of keeping together my allies, and of feeding the discontents I have excited in France, then you may expect to see me renounce my high tone, my attachment to the House of Bourbon, my abhorrence of your crimes, my alarm at your principles; for then I shall be ready to own, that, on the balance and comparison of circumstances, there will be less danger in concluding a peace than in the continuance of war!" Is this language for one state to hold to another? And what sort of peace does the right honourable gentleman expect to receive in that case? Does he think that Bonaparte would grant to baffled insolence, to humiliated pride, to disappointment and to imbecility, the same terms which he would be ready to give now? The right honourable gentleman cannot have forgotten what he said on another occasion,

' Potuit quæ plurima virtus
Esse, fuit: toto certatum est corpore regni.'

He would then have to repeat his words, but with a different application. He would have to say, ' all our efforts are vain; we have exhausted our strength; our designs are impracticable; and we must sue to you for peace.'

" Sir, what is the question this night? We are called upon to support Ministers in refusing a frank, candid, and respectful offer of negotiation, and to countenance them in continuing the war. Now, I would put the question in another way. Suppose Ministers had been inclined to adopt the line of conduct which they pursued in 1796 and 1797, and that to-night, instead of a question on a war-address, it had been an address to his Majesty, to thank him for accepting the overture, and for opening a negotiation to treat for peace: I ask the gentlemen opposite—I appeal to the whole five hundred and fifty-eight representatives of the people—to lay their hands upon their hearts, and to say, whether they would not have cordially voted for such an address? Would they, or would they not? Yes, Sir, if the address had breathed a spirit of peace, your benches would have resounded with rejoicings, and with praises of a measure that was likely to bring back the blessings of tranquillity. On the present occasion, then, I ask for the vote of none, but of those who, in the secret confession of their conscience, admit, at this instant, while they hear me, that they would cheerfully and heartily have voted with the Minister for an address directly the reverse of this. If every such gentleman were to vote with me, I should be this night in the greatest majority that ever I had the honour to vote with in this House.

"Sir, we have heard to-night a great many most acrimonious invectives against Bonaparte, against the whole course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence; I think all this sort of invective, which is used only to inflame the passions of this House and of the country, exceedingly ill-timed, and very impolitic; but I say I will not make his defence. I am not sufficiently in possession of materials upon which to form an opinion on the character and conduct of this extraordinary man. Upon his arrival in France, he found the government in a very unsettled state, and the whole affairs of the republic deranged, crippled, and involved. He thought it necessary to reform the government; and he did reform it, just in the way in which a military man may be expected to carry on a reform—he seized on the whole authority to himself. It will not be expected from me that I should either approve or apologize for such an act. I am certainly not for reforming governments by such expedients; but how this House can be so violently indignant at the idea of military despotism, is, I own, a little singular, when I see the composure with which they can observe it nearer home; nay, when I see them regard it as a frame of government most peculiarly suited to the exercise of free opinion, on a subject the most important of any that can engage the attention of a people. Was it not the system that was so happily and so advantageously established of late all over Ireland; and which, even now, the Government may, at its pleasure, proclaim over the whole of that kingdom? Are not the persons and property of the people left, in many districts, at this moment, to the entire will of military commanders? And is not this held out as peculiarly proper and advantageous, at a time when the people of Ireland are freely, and with unbiassed judgments, to discuss the most interesting question of a legislative union? Notwithstanding the existence of martial law, so far do we think Ireland from being enslaved, that we think it precisely the period and the circumstances under which she may best declare her free opinion! Now, really, Sir, I cannot think that gentlemen who talk in this way about Ireland, can, with a good grace, rail at military despotism in France.

" But, it seems, ' Bonaparte has broken his oaths. He has violated his oath of fidelity to the constitution of the year 3.' Sir, I am not one of those who think that any such oaths ought ever to be exacted. They are seldom or ever of any effect; and I am not for sporting with a thing so sacred as an oath. I think it would be good to lay aside all such oaths. Who ever heard that, in revolutions, the oath of fidelity to the former government was ever regarded; or, even when violated, that it was imputed to the persons as a crime? In times of revolution, men who take up arms are called rebels; if they fail, they are adjudged to be traitors. But who ever heard before of their being perjured? On the restoration of Charles the Second, those who had taken up arms for the Commonwealth were stigmatized as rebels and traitors, but not as men forsworn. Was the Earl of Devonshire charged with being perjured, on account of the allegiance he had sworn to the house of Stuart, and the part he took in those struggles which preceded and brought about the Revolution? The violation of oaths of allegiance was never imputed to the people of England, and will never be imputed to any people. But who brings up the question of oaths? He who strives to make twenty-four millions of persons violate the oaths they have taken to their present constitution, and who desires to re-establish the house of Bourbon by such violation of their vows. I put it so, Sir; because, if the question of oaths be of the least importance, it is equal on both sides. He who desires the whole people of France to perjure themselves, and who hopes for success in his project only upon their doing so, surely cannot make it a charge against Bonaparte that he has done the same.

" Ah! but Bonaparte has declared it as his opinion, that the two governments of Great Britain and of France cannot exist together. After the treaty of Campo Formio, he sent two confidential persons, Berthier and Monge, to the Directory, to say so in his name.' Well, and what is there in this absurd and puerile assertion, if it was ever made? Has not the right honourable gentleman, in this House, said the same thing? In this, at least, they resemble one another. They have both made use of this assertion; and I believe that these two illustrious persons are the only two on earth who think it. But let us turn the tables. We ought to put ourselves at times in the place of the enemy, if we are desirous of really examining with candour and fairness the dispute between us. How may they not interpret the speeches of Ministers and their friends, in both Houses of the British Parliament? If we are to be told of the idle speech of Berthier and Monge, may they not also bring up speeches, in which it has not been merely hinted, but broadly asserted, that ' the two constitutions of England and France could not exist together?' May not these offences and charges be reciprocated without end? Are we ever to go on in this miserable squabble about words? Are we still, as we happen to be successful on the one side or other, to bring up these impotent accusations, insults, and provocations, against each other; and only when we are beaten and unfortunate, to think of treating? Oh, pity the condition of man, gracious God! and save us from such a system of malevolence, in which all our old and venerated prejudices are to be done away, and by which we are to be taught to consider war as the natural state of man, and peace but as a dangerous and difficult extremity!

"Sir, this temper must be corrected. It is a diabolical spirit, and would lead to interminable war. Our history is full of instances, that where we have overlooked a proffered occasion to treat, we have uniformly suffered by delay. At what time did we ever profit by obstinately persevering in war? We accepted at Ryswick the terms we had refused five years before; and the same peace which was concluded at Utrecht might have been obtained at Gertruydenberg. And as to security from the future machinations or ambition of the French, I ask you, what security you ever had, or could have. Did the different treaties made with Louis the Fourteenth serve to tie up his hands, to restrain his ambition, or to stifle his restless spirit? At what period could you safely repose in the honour, forbearance, and moderation of the French Government? Was there ever an idea of refusing to treat, because the peace might be afterwards insecure? The peace of 1763 was not accompanied with securities; and it was no sooner made than the French Court began, as usual, its intrigues. And what security did the right honourable gentleman exact at the peace of 1783, in which he was engaged? Were we rendered secure by that peace? The right honourable gentleman knows well, that soon after that peace, the French formed a plan, in conjunction with the Dutch, of attacking our Indian possessions, of raising up the native powers against us, and of driving us out of India, as the French are desirous of doing now; only with this difference, that the Cabinet of France entered into this project in a moment of profound peace, and when they conceived us to be lulled into perfect security. After making the peace of 1783, the right honourable gentleman and his friends went out, and I, among others, came into office. Suppose, Sir, that we had taken up the jealousy upon which the right honourable gentleman now acts, and had refused to ratify the peace which he had made. Suppose that we had said, No; France is acting a perfidious part—we see no security for England in this treaty—they want only a respite, in order to attack us again in an important part of our dominions; and we ought not to confirm the treaty. I ask, would the right honourable gentleman have supported us in this refusal? I say, that upon his present reasoning he ought; but I put it fairly to him, would he have supported us in refusing to ratify the treaty upon such a pretence? He certainly ought not, and I am sure he would not; but the course of reasoning which he now assumes would have justified his taking such a ground. On the contrary, I am persuaded that he would have said, 'This is a refinement upon jealousy. Security! You have security—the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it if it be her interest; she will break it if it be her interest: such is the state of nations; and you have nothing but your own vigilance for your security.'

"'It is not the interest of Bonaparte,' it seems, 'sincerely to enter into a negotiation; or, if he should even make peace, sincerely to keep it.' But how are we to decide upon his sincerity? By refusing to treat with him? Surely, if we mean to discover his sincerity, we ought to hear the propositions which he desires to make. 'But peace would be unfriendly to his system of military despotism.' Sir, I hear a great deal about the short-lived nature of military despotism. I wish the history of the world would bear gentlemen out in this description of military despotism. Was not the government erected by Augustus Cæsar a military despotism? And yet it endured for six or seven hundred years. Military despotism, unfortunately, is too likely in its nature to be permanent; and it is not true that it depends on the life of the first usurper. Though half the Roman Emperors were murdered, yet the military despotism went on; and so it would be, I fear, in France. If Bonaparte should disappear from the scene, to make room, perhaps, for a Berthier, or any other general, what difference would that make in the quality of French despotism, or in our relation to the country? We may as safely treat with a Bonaparte, or with any of his successors, be they who they may, as we could with a Louis the Sixteenth, a Louis the Seventeenth, or a Louis the Eighteenth. There is no difference but in the name. Where the power essentially resides, thither we ought to go for peace.

"But, Sir, if we are to reason on the fact, I should think that it is the interest of Bonaparte to make peace. A lover of military glory, as that general must necessarily be, may he not think that his measure of glory is full—that it may be tarnished by a reverse of fortune, and can hardly be increased by any new laurels? He must feel that, in the situation to which he is now raised, he can no longer depend on his own fortune, his own genius, and his own talents, for a continuance of his success; he must be under the necessity of employing other generals, whose misconduct or incapacity might endanger his power, or whose triumphs even might affect the interest which he holds in the opinion of the French. Peace, then, would secure to him what he has achieved, and fix the inconstancy of fortune. But this will not be his only motive. He must see that France also requires a respite—a breathing interval—to recruit her wasted strength. To procure her this respite, would be, perhaps, the attainment of more solid glory, as well as the means of acquiring more solid power, than anything which he can hope to gain from arms and from the proudest triumphs. May he not, then, be zealous to gain this fame—the only species of fame, perhaps, that is worth acquiring? Nay, granting that his soul may still burn with the thirst of military exploits, is it not likely that he is disposed to yield to the feelings of the French people, and to consolidate his power by consulting their interests? I have a right to argue in this way, when suppositions of his insincerity are reasoned upon on the other side. Sir, these aspersions are in truth always idle, and even mischievous. I have been too long accustomed to hear imputations and calumnies thrown out upon great and honourable characters, to be much influenced by them. My honourable and learned friend (Mr. Erskine) has paid this night a most just, deserved, and honourable tribute of applause to the memory of that great and unparalleled character, who has been so recently lost to the world. I must, like him, beg leave to dwell a moment on the venerable George Washington, though I know that it is impossible for me to bestow anything like adequate praise on a character which gave us, more than any other human being, the example of a perfect man; yet, good, great, and unexampled, as General Washington was, I can remember the time when he was not better spoken of in this House than Bonaparte is now. The right honourable gentleman who opened this debate (Mr. Dundas) may remember in what terms of disdain, of virulence, and even of contempt, General Washington was spoken of by gentlemen on that side of the House. Does he not recollect with what marks of indignation any member was stigmatized as an enemy to his country, who mentioned with common respect the name of General Washington? If a negotiation had then been proposed to be opened with that great man, what would have been said? 'Would you treat with a rebel, a traitor! What an example would you not give by such an act!' I do not know whether the right honourable gentleman may not yet possess some of his old prejudices on the subject. I hope not. I hope by this time we are all convinced that a republican government, like that of America, may exist without danger or injury to social order, or to established monarchies. They have happily shown that they can maintain the relations of peace and amity with other states; they have shown, too, that they are alive to the feelings of honour, but that they do not lose sight of plain good sense and discretion. They have not refused to negotiate with the French, and they have accordingly the hopes of a speedy termination of every difference. We cry up their conduct, but we do not imitate it. At the beginning of the struggle, we were told that the French were setting up a set of wild and impracticable theories, and that we ought not to be misled by them—we could not grapple with theories. Now we are told that we must not treat, because out of the lottery Bonaparte has drawn such a prize as military despotism. Is military despotism a theory? One would think that that is one of the practical things which Ministers might understand, and to which they would have no particular objection. But what is our present conduct founded on but a theory, and that a most wild and ridiculous theory? What are we fighting for? Not for a principle; not for security; not for conquest even; but merely for an experiment and a speculation, to discover whether a gentleman at Paris may not turn out a better man than we now take him to be.

"My honourable friend (Mr. Whitbread) has been censured for an opinion which he gave, and I think justly, that the change of property in France since the Revolution must form an almost insurmountable barrier to the return of the ancient proprietors. 'No such thing,' says the right honourable gentleman; 'nothing can be more easy. Property is depreciated to such a degree, that the purchasers would easily be brought to restore the estates.' I very much differ with him in this idea. It is the character of every such convulsion as that which has ravaged France, that an infinite and indescribable load of misery is inflicted upon private families. The heart sickens at the recital of the sorrows which it engenders. No revolution implied, though it may have occasioned, a total change of property. The restoration of the Bourbons does imply it; and there is the difference. There is no doubt but that if the noble families had foreseen the duration and the extent of the evils which were to fall upon their heads, they would have taken a very different line of conduct. But they unfortunately flew from their country. The King and his advisers sought foreign aid. A confederacy was formed to restore them by military force; and as a means of resisting this combination, the estates of the fugitives were confiscated and sold. However compassion may deplore the case, it cannot be said that the thing is unprecedented. The people have always resorted to such means of defence. Now the question is, how this property is to be got out of their hands? If it be true, as I have heard, that the purchasers of national and forfeited estates amount to one million five hundred thousand persons, I see no hopes of their being forced to deliver up their property; nor do I even know that they ought. I question the policy, even if the thing were practicable; but I assert, that such a body of new proprietors forms an insurmountable barrier to the restoration of the ancient order of things. Never was a revolution consolidated by a pledge so strong.

"But, as if this were not of itself sufficient, Louis the Eighteenth, from his retirement at Mittau, puts forth a manifesto, in which he assures the friends of his house, that he is about to come back with all the powers that formerly belonged to his family. He does not promise to the people a constitution which may tend to conciliate; but, stating that he is to come with all the *ancien régime*, they would naturally attach to it its proper appendages of bastiles, lettres de cachet, gabelle, &c. And the noblesse, for whom this proclamation was peculiarly conceived, would also naturally feel that if the monarch was to be restored to all his privileges, they surely were to be reinstated in their estates without a compensation to the purchasers. Is this likely to make the people wish for the restoration of royalty? I have no doubt but there may be a number of Chouans in France, though I am persuaded that little dependence is to be placed on their efforts. There may be a number of people dispersed over France, and particularly in certain provinces, who may retain a degree of attachment to royalty: and how the Government will contrive to compromise with that spirit, I know not. I suspect, however, that Bonaparte will try: his efforts have been turned to that object; and, if we may believe report, he has succeeded to a considerable degree. He will naturally call to his recollection the precedent which the history of France itself will furnish. The once formidable insurrection of the Huguenots was completely stifled, and the party conciliated, by the policy of Henry the Fourth, who gave them such privileges and raised them so high in the government, as to make some persons apprehend danger therefrom to the unity of the empire. Nor will the French be likely to forget the revocation of the edict—one of the memorable acts of the house of Bourbon—an act which was never surpassed in atrocity, injustice, and impolicy, by anything that has disgraced Jacobinism. If Bonaparte shall attempt some similar arrangement to that of Henry the Fourth, with the Chouans, who will say that he is likely to fail? He will meet with no great obstacle to success from the influence which our Ministers have established with the chiefs, or in the attachment and dependence which they have on our protection; for what has the right honourable gentleman told him, in stating the contingencies in which he will treat with Bonaparte? He will excite a rebellion in France—he will give support to the Chouans, if they can stand their ground; but he will not make common cause with them: for unless they can depose Bonaparte, send him into banishment, or execute him, he will abandon the Chouans, and treat with this very man, whom, at the same time, he describes as holding the reins and wielding the powers of France for purposes of unexampled barbarity.

" Sir, I wish the atrocities of which we hear so much, and which I abhor as much as any man, were, indeed, unexampled. I fear that they do not belong exclusively to the French. When the right honourable gentleman speaks of the extraordinary successes of the last campaign, he does not mention the horrors by which some of those successes were accompanied. Naples, for instance, has been, among others, what is called 'delivered;' and yet, if I am rightly informed, it has been stained and polluted by murders so ferocious, and by cruelties of every kind so abhorrent, that the heart shudders at the recital. It has been said, not only that the miserable victims of the rage and brutality of the fanatics were savagely murdered, but that, in many instances, their flesh was eaten and devoured by the cannibals, who are the advocates and the instruments of social order! Nay, England is not totally exempt from reproach, if the rumours which are circulated be true. I will mention a fact, to give Ministers the opportunity, if it be false, of wiping away the stain that it must otherwise fix on the British name. It is said, that a party of the republican inhabitants of Naples took shelter in the fortress of the Castel de Uova. They were besieged by a detachment from the Royal army, to whom they refused to surrender; but demanded that a British officer should be brought forward, and to him they capitulated. They made terms with him under the sanction of the British name. It was agreed that their persons and property should be safe, and that they should be conveyed to Toulon. They were accordingly put on board a vessel; but before they sailed, their property was confiscated, numbers of them taken out, thrown into dungeons, and some of them, I understand, notwithstanding the British guarantee, actually executed.

" Where then, Sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till you establish the

House of Bourbon! And this you cherish the hope of doing, because you have had a successful campaign. Why, Sir, before this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, &c., which induced some gentlemen in this House to prepare themselves for a march to Paris. With all that you have gained, you surely will not say that the prospect is brighter now than it was then. What have you gained but the recovery of a part of what you before lost? One campaign is successful to you—another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancour, which are infinitely more flagitious even than those of ambition and the thirst of power, you may go on for ever; as, with such black incentives, I see no end to human misery. And all this without an intelligible motive—all this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation—'We must keep Bonaparte for some time longer at war, as a state of probation.' Gracious God, Sir, is war a state of probation? Is peace a rash system? Is it dangerous for nations to live in amity with each other? Is your vigilance, your policy, your common powers of observation, to be extinguished by putting an end to the horrors of war? Cannot this state of probation be as well undergone without adding to the catalogue of human sufferings? 'But we must *pause!*' What! must the bowels of Great Britain be torn out—her best blood spilt—her treasure wasted—that you may make an experiment? Put yourselves—oh! that you would put yourselves—in the field of battle, and learn to judge of the sort of horrors that you excite. In former wars a man might, at least, have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity, and even, perhaps, allayed his feelings—they were fighting to repress the uncontrolled ambition of the Grand Monarque. But, if a man were present now at a field of slaughter, and were to inquire for what they were fighting—'Fighting!' would be the answer; 'they are not fighting, they are *pausing.*' 'Why is that man expiring? Why is the other writhing with agony? What means this implacable fury?' The answer must be, 'You are quite wrong, Sir, you deceive yourself—they are not fighting—do not disturb them—they are merely *pausing!*—this man is not expiring with agony—that man is not dead—he is only pausing! Lord help you, Sir! they are not angry with one another; they have now no cause of quarrel—but their country thinks that there should be a pause. All that you see, Sir, is nothing like fighting—there is no harm, nor cruelty, nor bloodshed in it whatever—it is nothing more than *a political pause!*—it is merely to try an experiment—to see whether Bonaparte will not behave himself better than heretofore; and in the mean time, we have agreed to a pause, in pure friendship!' And is this the way, Sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilize the world, to destroy order, to trample on religion, to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system, you spread terror and devastation all around you.

"Sir, I have done. I have told you my opinion. I think you ought to have given a civil, clear, and explicit answer to the overture which was fairly and handsomely made. If you were desirous that the negotiation should have included all your allies, as the means of bringing about a general peace, you should have told Bonaparte so; but I believe you were afraid of his agreeing to the proposal. You took that method before. 'Aye, but,' you say, 'the people were anxious for peace in 1797.' I say they are friends to peace now; and I am confident that you will one day own it. Believe me, they are friends to peace; although, by the laws which you have made, restraining the expression of the sense of the people, public opinion cannot now be heard as loudly and unequivocally as heretofore. But I will not go into the internal state of this country. It is too afflicting to the heart to see the strides which have been made by means of, and under the miserable pretext of this war, against liberty of every kind, both of speech and of writing; and to observe in another kingdom the rapid approaches to that military despotism which we affect to make an argument against peace. I know, Sir, that public opinion, if it could be collected, would be for peace, as much now as in 1797; and I know that it is only by public opinion, not by a sense of their duty, not by the inclination of their minds, that Ministers will be brought, if ever, to give us peace. I conclude, Sir, with repeating what I said before: I ask for no gentleman's vote who would have reprobated the compliance of Ministers with the proposition of the French government; I ask for no gentleman's support to-night who would have voted against Ministers, if they had come down and proposed to enter into a negotiation with the French: but I have a right to ask—I know, that in honour, in consistency, in conscience, I have a right to expect the vote of every gentleman who would have voted with Ministers in an address to his Majesty diametrically opposite to the motion of this night."

The House divided on the address:—Yeas, 265; Noes, 64.

MR. GREY'S MOTION ON THE STATE OF THE NATION.

1801. *March* 25.* This day Mr. Grey moved, "That the House will resolve itself into a committee to take into consideration the state of the nation." In support of his proposition, Mr. Grey observed, that the present war was the first in which no part of the conduct of Government had been inquired into—surely it could not be alleged because no error had been committed. We were now in the ninth year of a war against France, and threatened with a war against all the maritime states of Europe,* if not

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* On the 10th of February, 1801, Lord Grenville announced in the House of Lords, that Ministers only held their offices until their successors were appointed. The New Administration consisted of:—

First Lord of the Treasury, and Chancellor of the Exchequer—Right Hon. Henry Addington, late Speaker of the House of Commons.
President of the Council—Duke of Portland.

Lord Chancellor—Lord Eldon, late Chief Justice of the Court of Common Pleas.
Lord Privy Seal—Earl of Westmoreland.
First Lord of the Admiralty—Earl St. Vincent.
Master-General of the Ordnance—Earl of Chatham.
Secretary of State for the Home Department—Lord Pelham.
Secretary of State for Foreign Affairs—Lord Hawkesbury.
Secretary of State for the Department of War and the Colonies—Lord Hobart.
President of the Board of Control—Lord Viscount Lewisham.
Secretary at War—Right Hon. Charles Yorke.
Chancellor of the Duchy of Lancaster—Earl of Liverpool.
Treasurer of the Navy—Right Hon. Dudley Ryder (afterwards Lord Harrowby).
Joint Paymaster of his Majesty's Forces—Right Hon. Thomas Steele, Lord Glenbervie.
Joint Postmaster-General—Lord Auckland, Lord Charles Spencer.
Secretaries of the Treasury—John Hiley Addington, Esq., Nicholas Vansittart, Esq.
Master of the Rolls—Sir William Grant.
Attorney-General—Sir Edward Law (afterwards Lord Ellenborough).
Solicitor-General—Hon. Spencer Perceval.
IRELAND.—Lord Lieutenant—Earl of Hardwicke.
  Lord Chancellor—Earl of Clare.
  Chief Secretary—Lord Castlereagh.
  Chancellor of the Exchequer—Right Hon. Isaac Corry.

* The question of the right of belligerents to search neutral vessels under convoy, gave rise to a dispute at this period between Great Britain and the Northern Powers of Europe, which led to the revival of the principles of the Armed Neutrality, originally adopted in the year 1780, when the Northern Powers, seeing England hard pressed by the fleets of France and Spain, deemed the opportunity favourable for establishing, by force of arms, a new code of maritime laws. In December, 1799, an altercation took place in the Straits of Gibraltar, between some English frigates and a Danish ship, the Hausenan, in which the Dane refused to submit to a search of the convoy under his command; but the conduct of the captain in this instance was formally disavowed by his government, and the amicable relations of the two countries continued unchanged. On the 25th of July following, the Danish frigate La Freya, which had attempted to defend her convoy against a search by the English cruisers, was taken and carried into the Downs. The English Cabinet, having now received intelligence of the hostile negotiations which were going on in the Northern Courts, relative to neutral rights, and deeming it probable that this event would be made the signal for declaring their intentions, sent Lord Whitworth on a special message to Copenhagen. To give the greater weight to his representations a fleet of nine sail of the line, four bombs, and five frigates, was despatched to the Sound under the command of Admiral Dickson. By a convention, which was signed at Copenhagen, on the 29th of August, 1800, it was arranged that the frigate carried into the Downs should be repaired at the expense of the British Government, and that the question of the right of search should be adjourned for further consideration to London. Until this point was settled, the Danish ships were to sail with convoy only in the Mediterranean, for the purpose of protection from the Barbary cruisers; and in the meantime their other vessels were to be searched as heretofore. This arrangement did not meet with the approval of the Emperor Paul,

actually involved in it. We had added two hundred and seventy millions to our national debt, exclusive of imperial and other loans, and above seventeen millions to our annual taxes. We found ourselves opposed to France, which was now extended in territory beyond the hopes of her most sanguine friends, increased in population, and supported by all the states of the North. We were opposed to her with diminished means, exhausted strength, and stript of every ally. Was it not, then, incumbent upon the representatives of the people to enter into a serious inquiry as to the means most likely to restore us to security, tranquillity, and happiness? The motion was seconded by Mr. Whitbread, and supported by Earl Temple, Sir William Young, and Mr. Fox. It was opposed by Mr. May, Mr. Pitt, Mr. Addington, the new Chancellor of the Exchequer, and Mr. Dundas. As soon as Mr. Pitt had concluded his speech,

Mr. Fox rose and spoke as follows:—"Sir, late as the hour is, I shall beg leave, even under the designation of 'a new member,' with which the right honourable gentleman (Mr. Pitt) has complimented me, to avail myself of the indulgence which the House usually shows to a person of that description; and, unwilling as I am to trespass long upon your attention, it will be difficult to dismiss very shortly the whole of the arguments that apply to the question before the House; especially after the confused state in which the right honourable gentleman's speech has left the real matters at issue, and that laborious complication which renders it not an easy task to methodize a reply to it, or to put one's argument into plain and distinct order. First, I shall take the liberty of adverting to that part of the right honourable gentleman's speech (certainly not the most solid or splendid part of it) which relates personally to myself; and the introduction of which, upon the present occasion, is a decisive proof how bereft of real defence the right honourable gentleman must feel himself, since he is driven to the expedient of reviving a circum-

who had determined to revive the principles of the Armed Neutrality; and at his instance, the Courts of St. Petersburgh, Copenhagen, Sweden, and Berlin, entered into a treaty, in the month of December, 1800, for that purpose. War was then commenced between these powers and Great Britain. The Prussians took possession of Bremen and Hanover, laid an embargo on British shipping, and closed the Elbe and Weser against the British flag. A body of Danish troops occupied Hamburgh and Lubeck. An English fleet, consisting of seventeen ships of the line, four frigates, and a number of bomb vessels, in all fifty-one sail, was placed under the command of Admiral Sir Hyde Parker, with Lord Nelson for his second in command, and forced the passage of the Sound without sustaining much injury. On the 2nd of April, 1801, a squadron, under Lord Nelson, took and destroyed the Danish fleet before Copenhagen. The death of the Emperor Paul dissolved the league of the North, and put an end to the war. By a convention which the Emperor Alexander concluded at St. Petersburgh (June 17, 1801), the principles of maritime law which the English had contended for were recognised. The other powers of the North acceded to this convention. The Danes evacuated Hamburgh and Lubeck, and restored the free navigation of the Elbe; and, under the mediation of Russia, an arrangement was concluded, by which the Prussians were to evacuate Hanover, and restore the free navigation of the Weser.—Alison's Hist. of Europe, chap. xxxiii.

stance which has but little analogy to the point before you; and which, when explained and understood, will lend not the least sanction or support to the system of his Majesty's late Ministers, respecting the question between this country and the northern powers.

"I certainly did, in my capacity of Secretary of State, offer, by his Majesty's command, to the Empress of Russia, in the year 1782, the recognition of the principle in question, for the purpose of inducing that Princess to enter into a closer alliance with this country. In rejecting the insinuation of this proposal being my sole act, let me not be understood to shrink from that measure as 'rash and inconsiderate:' on the contrary, I affirm that it was most wise, timely, and judicious; but, for the sake of truth, let it be remembered, that the measure which it fell officially to my lot to propose to the Court of Russia, at the time alluded to, was of course the measure of the King's whole council; which council consisted of some of the greatest names in the country, such as the Marquis of Rockingham, Lord John Cavendish, the Duke of Richmond, the Marquis of Lansdowne, Lord Keppel, &c. &c. It was, in a word, the act of an administration which has been the least censured, and the most praised of any that have existed during the King's reign.

"The right honourable gentleman challenges any person to discuss the question with the neutral powers, as 'a statesman or a lawyer.' Now, though I can venture to touch the matter only in the first of these characters, I can assure the House that the concession, whatever it was, of the Ministry, which I offered as our joint act to the Empress of Russia in the year 1782, had the concurrence of as great lawyers as ever distinguished this country at any one period: for whatever may have been the other defects of that short Administration, in it there was certainly no want of eminent lawyers. No less than three of the luminaries of that profession, namely, Lords Ashburton, Camden, and Thurlow, were members of that Cabinet; and far enough from thinking that the offer then made to the Russian court 'laid at the feet of that government all the sources of the naval greatness of this country,' to repeat the rant of the right honourable gentleman, these learned and noble persons, together with the whole body of that Administration, were profoundly convinced, not that what we offered was slight and trifling, but that, important as it was, it would have been highly to the advantage of this country that our proposal had been adopted by the Government of Russia.

"In making this offer, I was so far from being mysterious—so little apprehension did we feel that our proposition to Russia would involve our country in any of the perils from other powers which the fatuity of the right honourable gentleman's Ministry has brought upon it, that, instead of sending through the more usual channel of our ambassador at that court, who, if I mistake not, was Lord Malmesbury, I applied here directly to M. Simolin, the Russian Minister at this court, and with him endeavoured to accomplish the negotiation. To him I offered a *quid pro quo;* and meant to give nothing without getting a full equivalent. I wished to separate Russia entirely from any connexions injurious to Great Britain, and to attach that power solidly and permanently to this country. The right honourable gentleman has dwelt with some satisfaction upon the expressions of my letter to M. Simolin. He has the advantage over me of having lately read that letter in the office, and seems, strangely enough, to think that he derives some pretext for his own policy in my description of the magnitude of our proposed concessions in 1782. Why, what would the right honourable gentleman, or any other man, think of me, if I wrote otherwise than he states me to have written upon that occasion? If he were negotiating with France about the surrender of Belgium, the retention of which he had so lately made a *sine quâ non*, would he begin by understating the extent, fertility, and population of those provinces? I, of course, did not begin by depreciating to the government of Russia the very boon I was tendering as an inducement to a great and beneficial alliance.

"The right honourable gentleman rejoices in the failure of that negotiation, inasmuch as its success would have enabled Russia to protect the commerce of France, and been the means of preventing this country from annihilating it, in the present war. What! Russia assist the commerce of France? Russia! the loudest in thundering its maledictions against the French Revolution; the first to profess its zeal in the crusade? the very power who formally waived this neutral principle, declaring that all general principles should yield to the superior object of overthrowing 'regicide republicanism,' and everything else with which the royal coalition had stigmatized the French in this war? As to the destruction of the French trade, is it certain that all the efforts of all the combined powers, or any possible effect arising from the most successful assertion of what the Government of England is now contending for, have hurt the commerce of France so much as its own disorganizations of all kinds upon that subject since the period of the Revolution? I believe not. Besides, do you set down for nothing the captures made by your own fleets? In a word, the right honourable gentleman will find nothing in the measure to which he has alluded with so ludicrous a triumph, to countenance the system he has pursued towards the northern powers; to the consideration of which I shall now proceed, having said this much in relation to what the right honourable gentleman has directed so personally at myself.

"The question with the northern powers has been divided by the right honourable gentleman into five parts. These five I shall reduce into three; namely, free bottoms making free goods; the contraband of war; the right of search under convoy. These three heads (comprehending the collateral and dependent questions of blockade, and the carrying of the coasting and colonial trade of belligerents, by abuse of the first and third proposition), form the essence of the present dispute with the northern powers, and which, in common acceptation, is called 'the neutral principle.'

"Whether this neutral principle be jacobinical or not, its origin is certainly of more antiquity than the French Revolution, being as old as the middle of the last century, and having for its patron and propounder no less a republican than Frederick the Great. That Prince was undoubtedly a philosopher, and by some deemed not quite orthodox in his theology. This neutral principle might therefore with as much reason be called deistical as jacobinical; and if the right honourable gentleman had now been in as high favour with the Church as in past times, possibly he might get this point, for which the powers of the North are contending, branded with some such epithet by ecclesiastical authority; in the same manner as, towards the end of the seventeenth century, the University of Oxford declared that the principles which led to the assertion and conservation of the British constitution, and which seated the present royal family upon the throne of England, were 'doctrines tending to atheism.' The one imputation is as just as the other; and Jacobinism applies with exactly as much truth to the neutral question, as atheism to the principles of the English Revolution. In reality, Sir, the right honourable gentleman's indiscriminate cry of Jacobin! Jacobin! to everything and person that he dislikes, has brought utter contempt upon his continual cant. He has worn it out; and all the terrors he would conjure up from it are become an absolute bugbear. With far more grace and likelihood might this term 'Jacobin' be retorted upon himself, and several indeed of his own measures, of which one of the most recent might, perhaps, in the judgment of many, (though I am not disposed so to describe it), be considered as strictly such: I mean the right honourable gentleman's late communication to the Roman Catholics of Ireland, upon the event of his resignation.*

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* The following is the communication alluded to by Mr. Fox:—" The leading part of his Majesty's Ministers finding innumerable obstacles to the bringing forward measures of concession to the Catholic body, while in office, have felt it impossible to continue in office under their inability to propose it, with the circumstances necessary to carry the measure with all its advantages; and they have retired from his Majesty's service, considering this line of conduct as most likely to contribute to its ultimate success. The Catholic body will, therefore, see how much their future hope must depend upon their strengthening their cause by good conduct in the meantime. They will prudently consider these prospects as arising from the persons who now espouse their interests, and compare them with those which they could look to from any other quarter. They may, with confidence, rely on the zealous support of all those who retire, and of many who remain in office, when it can be given with a prospect of success. They may be assured that Mr. Pitt will do his utmost to establish their cause in the public favour, and prepare the way for their finally attaining their objects; and the Catholics will feel, that as Mr. Pitt could not concur in a hopeless attempt to force it now, that he must, at all times, repress with the same decision as if he held an adverse opinion, any unconstitutional conduct in the Catholic body. Under these circumstances it cannot be doubted that the Catholics will take the most legal, dutiful, and patient line of conduct; that they will not suffer themselves to be led into measures which can, by any construction, give a handle to the opposers of their wishes, either to misrepresent their principles, or to raise an argument for resisting their claims." In his place in the House of Commons, on the 16th of February, Mr. Pitt said, " With respect to the resignation of myself and some of my friends, I have no wish to disguise from the House that we did feel it an incumbent duty upon us to propose a measure on the part of Government which, under the circumstances of the Union so happily

" The next assertor of this neutral question was ' that implacable zealot in jacobinical faith, that virulent propagator of revolutionary doctrines,' the late Empress of Russia; who, in the year 1780, entered, with all the other northern powers, into a confederacy, differing, I apprehend, in nothing from that which the right honourable gentleman has stigmatized so copiously this night; except, as I understand, by some additional precautions in the recent league. Now, would anybody believe that this right honourable gentleman, in his capacity of Cabinet-minister, should, in less than two years after that confederacy was formed, avail himself of the mediation of those very powers between this country and its enemies, and that preliminaries of peace (negotiated by an administration of which he himself was a part) should be actually signed under the auspices of that very Empress of Russia, the grand authoress of what he now calls ' jacobinical revolutionary principles, violative of treaties, subversive of the law of nations, starting a code of new and monstrous maxims,' and all the other strong abuse which, in the prodigality of his invectives, he has passed upon this new alliance—a mere fac-simile of the old? and, after all, what does this prove, but that the right honourable gentleman's obloquies now are of just as much value as his encomiums last year upon the ' magnanimity' of some of these very powers, both the one and the other being mere noise, and signifying nothing? However, Sir, regarding the first formation of this confederacy in the year 1780, the right honourable gentleman says, that this Court, though too weak to resist it by force, never admitted the principle of that confederacy; and that Lord Stormont protested against it.

" Here let me remark, that the opposition of that day, like this of the present, had their cant reproaches vented by the supporters of the one administration as well as the other. How could we be always right, they said, who always opposed the right and the wrong? or if we concurred, then it was ' a fit of candour.' The truth, Sir, is, that neither did we then, nor do we now complain, but from a full conviction that we had just cause. Even the right honourable gentleman has had our votes when we conscientiously felt that we could agree with him; and, notwithstanding all the heat of party at the period of the American war alluded to, not a breath of blame did we throw upon the Ministers of those days for their discreet and measured conduct respecting the confederacy at that period formed by the neutral powers. In that ' fit of candour,' if such it was, the right honourable gentleman himself was with us; but he is now quite sure that what he then thought good sense and good management was owing to weakness. In nothing were the right honourable gentleman and myself more of one mind,

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effected between the two countries, we thought of great public importance, and necessary to complete the benefits likely to result from that motion: we felt this opinion so strongly, that when we met with circumstances which rendered it impossible for us to propose it as a measure of government, we equally felt it inconsistent with our duty and our honour any longer to remain a part of that Government."—Parl. Hist. vol. xxxv. pp. 966, 967, 970.

than in general censure of that administration: against their conduct, in this case, however, we murmured not one word; for, without conceding any necessary point, we thought their discretion, in that instance, saved this country from a war with the northern powers; and our naval history since that period vouches that their caution did not sacrifice the sources of our maritime greatness. That government did not revolt the feelings of Europe by sending its fleets to a feeble power, to carry by force what it might obtain by argument; nor did it follow the example of capricious despotism in laying embargoes upon Danish and Swedish property in British ports. These improvements in diplomacy, these encouragements to commerce, were reserved for the right honourable gentleman.

"Now, with regard to the first of the three branches into which I have divided the heads of my argument, I have no hesitation in saying, that, as a general proposition, 'free bottoms do not make free goods;' and that, as an axiom, it is supported neither by the law of nations nor of common sense. The law of nations is but a body of regulations founded upon equal justice, and applying equally to all nations, for the common interest of all. If a state of war did not involve its own inconveniences the temptations to war would be endless, and might keep nations in perpetual misery. It is, therefore, for the general advantage, that belligerents should feel the injuries of abridged and restricted trade, because it is an inducement to peace; and if, on the other hand, the commerce of a power at war, as well as the materials of offence, could be legally carried on by a neutral, the benefit of maritime preponderance would be wholly lost—a thing as much at variance with common sense, as it would be repugnant to reason that mere naval superiority should despise every rule of relative justice, and, by barefaced power, make its own will the law of the ocean.

"The only difficulty would be, which to condemn as most monstrous, a neutral, pretending to the right of supplying one belligerent with all the means of mischief to another; or a belligerent, insisting upon a universal right of search in all cases and making innocent commerce the sport of its whim, in express contempt of specific regulation. It is between these extremes that the general interest of the commonwealth of nations finds the true medium; as the numberless treaties between the different states of Europe sufficiently demonstrate. From these treaties the most general inference is for the general freedom of commerce; but every one of them contains exceptions to, and qualifications of, this principle; which, though general, is not universal. So much with regard to free bottoms making free goods: which, however, is not the question at issue between this Court and the neutral powers; because, if it were, it would exclude all consideration of the two other heads of this discussion; namely, 'the contraband of war,' (a point not disputed, as I understand, by the northern powers), and 'the right of search,' which, under certain limitations, is expressly recognised.

"The contraband of war is the mere creature of convention; the very articles which are declared contraband with one power being innocent commerce with another. This point, thus varying and contradictory, the right honourable gentleman would reduce into something wonderfully simple. Instead of resting it upon the specific text of a treaty, he would make it depend solely upon the will of the strongest. He knows far better than they who negotiated them what the treaties meant. Thus, if naval materials were defined as lawful commerce in some treaties, the right honourable gentleman says, they were not prohibited as contraband, only because the contracting nation at that time did not trade in such articles. So, too, if in the treaty with Holland of 1674, 'hemp, flax, and pitch; ropes, sails, and anchors; masts, planks, boards, beams, of what sort of wood soever, and all other materials for building or repairing ships,' are, in the very words of the treaty, declared to be 'wholly free goods, wares, and commodities,' as expressly contradistinguished from contraband, the right honourable gentleman gives you two unanswerable reasons why you should hold these treaties as nothing in this discussion: first, says he, because it was not then foreseen that such things could be implements of war; secondly, or if it had been foreseen, the exclusion of such articles from contraband, in favour of the Dutch, does not affect the general principle, inasmuch as the Dutch were likely to be always allies of this country, or at least friendly. And the first of these powerful arguments he strengthens by a very fine hypothesis. 'Suppose,' adds the right honourable gentleman, 'gunpowder had been invented subsequent to any treaty in which it was not declared to be contraband, what sort of a Minister would he be who would admit a neutral power to assist his enemy with gunpowder, merely because it happened not to have been discovered when the contraband of war had been settled with such neutral?' Excellent illustration! Why, Sir, in such a case we should all have said the same thing; but how contemptible is it to imply the present to be such a case! What an honour to the close of the eighteenth century to have found out, not exactly the invention of gunpowder, but that hemp, pitch, ropes, sails, anchors, and masts, are become implements of war, which they were not in 1654 and 1674! What a miraculous talent of expounding treaties must not that right honourable gentleman be gifted with, who would make those articles contraband to the rest of the world which were declared free to the Dutch, because it was considered certain in 1674 that the Dutch must be always allies or friends, of England!—even the Dutch, who, within only twenty years before this treaty, waged three of the most bloody wars with this country that it ever before sustained with any naval enemy! Are the names of De Ruyter and Van Tromp so forgotten, in 1674, that is to say, two years after the cessation of war with Holland, that the hostility of their country to this may not be as likely as its friendship? And might not the glories of these celebrated men afford some distant guess that 'hemp, pitch, ropes, sails, anchors, and masts,' were in their lifetime implements of war? Why, Sir, can there be a clearer proof what the right honourable gentleman thinks of this House, than his offering such an argument as this in palliation of this new war, which his wantonness and want of the commonest discretion has brought upon the country?

"From the words which I have quoted, you see that these concessions were made to Holland in the treaty of 1674. Nobody can be ignorant how that country availed itself of all its privileges, either of natural right or of treaty, during the Seven Years' War, as well as during that which was terminated at Aix-la-Chapelle. Throughout these wars, Holland carried every neutral right to its utmost extent of exertion. Did all this exertion disable this country from crippling the marine of France during these contests? And if this concession to so industrious a race as the Dutch, the general carriers of Europe, produced neither facilities to France nor injury to us, let me ask, if there be a prudent man on earth who would have provoked extremities with Russia, a power that has scarcely any carrying trade whatever, about a point which, in the hands of the Dutch, was absolutely nugatory as to all those dangers which the propensity to this war has discovered and magnified?

"But the right honourable gentleman flatters himself that he has found out something auspicious to his cause, in recollecting that I condemned, at the time of the French commercial treaty in 1787, your granting this very point to France. What a cause of triumph for the honourable gentleman That I censured, as most undoubtedly I did, the cession of a principle to a country which the experience of ages proved to be a kind of natural enemy in all your wars, which you denied to one that scarcely ever was against you, and which every maxim of honest English policy should prompt you to cultivate as a sort of natural friend. I dreaded not so much the direct as the indirect use that France might make of such a distinction in her favour; and I objected to and reprobated your yielding that to Louis the Sixteenth which you peremptorily refused to Catharine the Second. If I understand what it is to be right and consistent, I was so in my discrimination upon this point, in that discussion; and I am ignorant of the meaning of words, if the honourable gentleman's animadversion this night be not as weak, trifling, and fallacious, as were his original arguments at the time he made this surrender.

"So much, then, as to the two first branches of this question with the neutral powers. With respect to the third point—the right of search; that, under sound and discreet limitations, is certainly a right of belligerents; but, pushed to extremity, it becomes, like many other rights, a gross wrong. The right of search, as on the one hand it does not rest merely on unwritten law, so neither on the other is it a matter to be arbitrarily exercised. The thing, as well as the manner, is defined by strict stipulation. As to the claim of convoy, beyond all doubt, if the privilege of convoy were abused in protecting the trade of our enemy, that would be a very fit subject of representation. As far as we are acquainted with the precautions intended by the northern powers, they seem to have been fully aware of such a possible fraud; and there is nothing of this sort which, in my opinion, remonstrance and reason were not capable of settling. Even the presence of convoy would not prevent search, and justifiably too, in what the treaties call 'cases of lawful suspicion.' But after all, your final satisfaction may as well depend upon the convoy as the ship's documents. A sound discretion will be influenced by the nature of the case. It is not 'search upon lawful or urgent suspicion,' so well provided for in different treaties, that makes any part of the question; it is the unqualified assumption of a universal right to search in all possible cases; or, in other words, subjecting the commerce of the world to vexatious and insulting interruptions and inquiries, without stint or distinction. This is the grievance; and to judge of its justice, I ask, would you endure such treatment yourselves from any state upon earth? There is no principle by which you can so well attain the knowledge of relative justice, as by putting yourself in the place of another, and deciding upon another by yourself. The extent of what you contend for would, if retaliated, lay at the discretion of any petty power, not only all the free course of your trade, but also the proud spirit and the high feeling which so naturally belong to your naval ascendency. Suppose the King of Spain at war with Algiers. If one case can be imagined more likely than another to reconcile you to this humiliation, it would be, I suppose, in favour of a Christian King of Spain, contending with pirates and robbers and infidel barbarians. A British fleet of merchantmen, in the lawful pursuits of trade to your own islands, for instance, of Minorca or Malta, or destined to any other of the Mediterranean ports, though convoyed by a squadron of English men-of-war, would, according to these arguments, be liable to be stopped, ransacked, teased, and insulted, by the meanest cutter in the Spanish navy. Such would be the fate to which your own maxims would expose you, unless you frankly acknowledge that you have one measure for yourselves, and another for the rest of the world. Whatever the shifting gale of luck and fortune may suggest to feeble minds, be assured that justice is the best policy and the soundest principle.

"Notwithstanding all the phlegm with which the right honourable gentleman has stigmatized the three maritime states in this northern confederacy, not one word has he uttered, as my honourable friend (Mr. Grey) has well observed, against the King of Prussia, one of the most strenuous parties in this league. If the genius of the right honourable gentleman's Government were yet to be truly characterised, his conduct in respect to this prince puts it in the most glaring colours. Not only all the wrong that may, in the opinion of many people, clog the question, but that which is the very pith and marrow of the whole dispute, the right honourable gentleman has, by the restoration of the capture in the Texel, given up to the King of Prussia. Why? Because, safe from the attacks of the British navy, the King of Prussia has the means of injury in his turn. What does all this demonstrate, but that the right honourable gentleman is ready to give up everything to force, and nothing to reason. Instead of sparing the feeble, and pulling down the proud, he bows down to the mighty, and tramples upon the weak. With Denmark, vulnerable at all points, the right honourable gentleman will not even confer without a British fleet; but everything is made a peace-offering to the King of Prussia.

"My honourable friend (Mr. Grey) has truly and wisely said, that he was not called upon to discuss the question in dispute as a general principle. Certainly not; the bringing it to the present issue is the very perfection of impolicy. 'What!' answers the right honourable gentleman, 'were we to give that up which Lord Stormont protested against in the year 1780?' Who wanted him to give it up? Where lay the necessity of either admitting or rejecting it? A cautious line of conduct had saved the question from public discussion, and Europe from this new war. The greatest naval success cannot obtain more real advantage for you than you might have derived from prudence; whilst failure, if you fail, would make your disgrace tenfold. Granting you all that you look to from arms, are you a bit nearer your object? Suppose you separate Denmark from this confederacy—humbled to the earth, admitting that she apologize for her conduct, is the pretension, therefore, at rest for ever? Do what you will, the claim will not be extinguished by the submission, but will revive with the means of enforcing it.

"Upon the whole of this business, what is the obvious inference, but that those who fancy some strange interest in this dreadful trade of war—seeing Jacobinism, and all their other pretexts for its duration, grown stale and disgusting—have manœuvred to associate with the national enthusiasm in favour of its navy a point in which its real interests are but little involved; have endeavoured to draw from the public predilection for that service, so natural and so well deserved, perhaps the means of advancing some new plan or speculation in no way connected, as upon former occasions, with the professed object. Foes or neutrals, what is so probable or so plausible to be urged, by Jacobins and others, as that these honourable gentlemen, who have no character for pacification, and have yet just as much as their conduct merits, have fallen, as it were, upon this lucky question in good time to rouse the expiring energies of the country into new offers of lives and fortunes, for an object that may seem nearer and dearer to them than the further prolongation of the war with France—the great success of which its late conductor has this night so minutely detailed to you.

"Now, Sir, let us proceed to consider this success. The right honourable gentleman (Mr. Dundas) resists the motion this night, in a way which, though not wholly new from the same quarter, brings with every repetition of the same argument some fresh cause for astonishment. The assertion that this war has been successful, is not made now by that right honourable gentleman for the first time, it is true; but then his recurrence to former, frequently urged, and as frequently refuted, reasonings, is compensated by something quite untouched in past discussions. It now seems, that this war was undertaken for the purpose of 'conquering the colonies and destroying the commerce of France.' The restoration of monarchy—the overthrow of jacobin principles—the abasement of France and confining her to her ancient limits—the balance of power—the cause of law, order, and our holy religion—all these are gone by; and the splendid reveries that were soothed by such contemplations, are fallen, alas! and sunk down to the capture of ships and of tropical settlements. In this view of things the right honourable gentleman ventures to compare the success of the present with that of the Seven Years' War, and finds great consolation in discovering, that even in that glorious contention there had been some reverses—alluding particularly to Minorca and to Rochefort. With some portion of triumph he refers to these misfortunes, and applies his discovery, in rather a singular manner, as an argument to the present question; for he gives you this piece of history as a reason against going into any inquiry regarding the failures of the present war.

"Most unluckily for the right honourable gentleman, the very misfortunes to which he has adverted were instantly followed by inquiries in this House. It has been reserved for the present war, though the most disgraceful in its external, and the most wretched in its domestic consequences, of any that this country ever waged, to be the only war in which this House never saw any grounds for retrospect or revision. All the collected calamities of all their predecessors for ages, do not equal, either in kind or number, the exploits, during the present war, of the administration just retired from office; yet they are the only men ever possessed of the powers of government in this country, who never even in a single instance yielded to any inquiry, upon any part of the innumerable disgraces that have marked the last nine years. So unlucky is the right honourable gentleman in the case of Minorca, that every thing respecting that business makes directly against him. To whatever cause the loss of that island may be attributable, this House immediately inquired into the cause. A person for whose memory certainly I have the deepest gratitude and love,* then one of the king's ministers, far from resisting, as the right honourable gentleman resists, was the most eager in insisting upon inquiry. Unlike the present times, the House of Commons then had not been tutored into that confidence in ministers which distinguishes later periods; and the parliamentary inquiries that followed the failures to which the right honourable gentleman alluded, so far from embarrassing the operations of government, or unnerving the martial energies of the country, (those stale objections to the approved and happy practice of our ancestors), were succeeded by a series of unexampled successes. Such is the honourable gentleman's luck in his historical references!

"Not one word that I have ever uttered, or that ever came out of the lips of any friend of mine on this side of the House, has tended, even in the most distant degree, to slur or underrate the achievements of our fleets; and I will leave the House to judge whether any persons in it, or out of it, have dwelt with more rapture upon the triumphs of that branch of the service than we have done. From this, however, the right honourable gentleman strives to draw a defence of a nature truly singular. He endeavours to intermingle with the glories of the navy the absurdities of his own expeditions, and asks, 'How the military plans can be all folly, the naval all wisdom, both being advised by the same heads?' The question answers itself. It is in the nature of naval tactics, that a great deal depends upon the officers and men, upon wind and weather;—in land operations a good plan is almost every thing. Yet the merit of the Admiralty is indisputable. It is true, there were parts of the Administration of Earl Spencer (for whom my personal respect is considerable), not free from blame, particularly what related to the invasion of Ireland; but where the general system has been judicious and prosperous, it would be invidious to dwell upon a few errors. The right honourable gentleman would incorporate these two services, and is ready to take his share in the blame of the Admiralty, generously commuting the glories of his own department for their miscarriages. Sir, every presumption is in favour of the Admiralty—every proof against him. Nobody asks about the merit of the Admiralty. It speaks for itself. And equally obvious is the true character of the right honourable gentleman's department. If all his expeditions have been marked by discomfiture and disgrace; if the failure of some is aggravated by circumstances too painful to touch upon; if such armies, with the courage they are known to possess, have produced only such effects—the inference is glaring. It is but to name the enterprises—and the information, the skill, the vigour, and the ability of those who planned them, are as plain as demonstration can make them. No man will ever inquire about the wisdom that projected the expeditions to Quiberon, to Flanders, to St. Domingo, to Holland, to Ferrol, to Cadiz. These things are past all curiosity.

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* Mr. Fox's father was Secretary of State when Minorca was taken by the French in 1756. See the resolutions of the Commons relative to the loss of Minorca, Parl. Hist. vol. xv. pp. 822—827. See also Smollett's Hist. of England, vol. iii. pp. 323—328, edit. 1841.

"The right honourable gentleman has another way of reconciling this House to his disasters. With a precision that is quite ludicrous, and a gravity of face which, unless he were certain of his audience, would excite a suspicion that he was mocking the House, he gives us the dates, to an hour, of the days on which his expeditions sailed, when they landed, retreated, or capitulated: sometimes it is the wind, sometimes the rain, and sometimes the frost, the snow, the cold, the heat; now it is too early, and then it is too late;—and to this notable narrative the House listens without once saying, 'Tell us of a single military enterprize in which you have succeeded; and if you cannot, give us some better reason than your own words to believe that you are blameless. Let us inquire into the facts, and judge for ourselves.' The right honourable gentleman, with this mass of defeats before his eyes, has the hardihood to talk of the success of this war; and thinks the enumeration of islands and settlements, and a schedule of captured ships and frigates, will so blind the eyes and confound the understandings of men, as to divert them from the only proper consideration, the only rational test of comparative success, namely, the relative situation of the two countries in point of power.

"Of the word 'diversion,' the right honourable gentleman gives us, indeed, a very curious illustration. Up to this moment, I believe no man ever understood anything else by military diversion, but the drawing off, by means of a few, a larger number of your enemy, who might hurt you more in another quarter. The expedition to Holland, he tells us, had three objects in view—the capture of the fleet—giving the Dutch an opportunity of shaking off the yoke of France—and making a diversion for our allies in Italy and on the Rhine. He asks, 'Is it nothing to have ten ships of the line added to our own navy, which otherwise would at this moment be a means of annoying us in the hands of our enemy?' Sir, in this as in every other instance, the English navy did the duty assigned to it nobly; and if the capture of the Dutch fleet was a primary object of that memorable expedition, that object was accomplished without any necessity of hazarding any land experiments under the right honourable gentleman's auspices; for, in point of fact, the fleet revolted and surrendered before the landing on the Helder-Point. With respect to the second object, namely, giving the Dutch an opportunity of shaking off the yoke of France, with what horror they received your proffered release from their bondage, and the execration with which they load your name, it is unnecessary to state. But in the third and grand point, that of a diversion in favour of our allies, there we did wonders. If Europe were searched, not a place could be found so well calculated for enabling a smaller to combat a larger army as this selected spot. To this fatal neck of land did that right honourable gentleman devote thirty thousand British soldiers, and so signal was the benefit to our allies of this precious diversion, that, about the very time that the English army was making that respectable retreat, the grand armies of our allies, under Hotze and Suwarrow, were beaten, dispersed, and routed, never more to rally or unite. Such was the honourable gentleman's 'diversion' in Holland!

"But his unconquered mind was not yet subdued enough from military expeditions. He proposed new sources of renown for those armies whose happy destiny it was to be at his disposal. Because he failed in the North, he was certain of success in the South; and, sure enough, he despatches a formidable force under Sir Ralph Abercrombie, to co-operate with the Austrians in Italy. This armament, delayed until any man of common sense must have seen its total inutility towards its professed object, arrives at Genoa, just in time—for what? to assist General Melas?—No,—but just in time to have the earliest intelligence of his total ruin. It sails into the road of Genoa to sail out again, and escapes into the Mediterranean at the very time the Austrian garrison in that capital passes out to meet their defeated countrymen in the northernmost parts of Italy! But was this co-operation desired by the Austrians? No such wish was expressed or felt. The right honourable gentleman plainly enough lets us understand the direct contrary. And was it thus that British armies were accustomed to be treated in former wars? Was it in this way that Prince Eugene acted towards the Duke of Marlborough? What, then, is the fact? but that the hitherto untarnished reputation of our arms has so suffered under the baneful mismanagement of his majesty's late ministers, that the co-operation of twenty thousand Englishmen is so slighted by our allies, that they deprecated their aid, and resolved to touch nothing belonging to us—but our guineas.

"Now, Sir, as to the delay of this expedition to Italy, let me implore the attention of the House to the right honourable gentleman's defence. With the same admirable minuteness, as to days and dates, he tells you that this grand scheme was determined upon on the 22nd of February. On the 23rd, he told it to the King. On the 24th, he told it to the Duke. On the 28th the Duke told him something. The right honourable gentleman then reads two letters, the one from Sir Charles Stuart, the other from the Duke of York, in support of this part of his defence. I have been called a *new* member this night; and new and raw, indeed, must I be, and wholly ignorant of the practice of this House, if I could hear, without reprobation, that which would have been scouted and spurned in the good times of the English constitution, when a spirit of just jealousy of its rights, and a proper sense of its independence, prevailed in this House, instead of a blind confidence in the Executive Government. In such times, no Minister would have dared to have read to the House of Commons of England the garbled extracts, just as suited his own purpose, of letters from general officers, as an excuse for miscarriages, affecting in the nearest and dearest sense the honour and interests of the country. It is true that I have not been, for some time, in habits of intercourse with the illustrious person who is at the head of the army; but greatly indeed must he be changed from what I knew him, if he would not mark with his abhorrence this style of palliation. For what is it, and what does it prove?—that, if there were nothing more than we have heard, his Royal Highness ought to be instantly impeached. The national defence of England—its militia, is cut up by the roots; the general body of its officers is disgusted by the laws passed in 1799, which transferred to the line so large a proportion of its best disciplined men. These men, leaving the militia a mere skeleton, are incorporated with regular regiments, and embarked for Holland; and, seven months after their first embarkation to, and five months after their return from that disastrous enterprize, their Commander-in-Chief informs the Executive Government, if we are to believe the right honourable gentleman, 'that it will take full two months to discipline them into fitness for actual service!' Was there ever such a defence as this hazarded before an assembly of rational men!

"'But, had the right honourable gentleman's expedition been able to sail sooner:'—'If the battle of Marengo had not been lost:'—'*But!*'—'*If!*'—Why, Sir, I do not know what degree of fortune there may be in this battle or in that; but I believe the right honourable gentleman never would have been more mistaken than he would have found himself even in the event of Bonaparte's defeat at Marengo. Such were the precautions of that fruitful mind; so well did he arrange his measures; so little did he, in truth, trust to mere fortune, that if, against all probability, Marengo had been lost, that mighty genius had so disposed his resources, that many a bloody battle must have been gained by his enemies before they could have made much impression upon the incomparable system of his operations in Italy last summer. I defy imbecility itself to string together a more motley pack of excuses than the right honourable gentleman has laid before the House this night. 'Amsterdam had been taken, if Sir Ralph Abercrombie had landed on the 16th instead of the 27th of August—Sir Charles Stuart's dislike to the Russians protracted Sir Ralph's departure for the Mediterranean—Ten thousand Irish militia were to come to England, and ten thousand English to go to Ireland—Some of the troops wanted their new coats, some their arms—One expedition sailed on the 8th of April, took shelter on the 13th, and re-sailed on the 24th—It was designed to assist the Austrians, but the Austrians would not be assisted—There was no plan or concert between the two Courts—An account-current with the Seven Years' War; took more ships than Lord Chatham, and more islands—St. Domingo was unhealthy, and rather expensive; but it was a good market—This war has opened worlds of new markets—Returns, even to a man, of the new-raised corps at Gibraltar, Minorca, Malta, Portugal; and the total of your force, now and in 1797, with a most comfortable exactness—The history of England from 1755 to 1762—from Severndroog to the Havannah.' In a word, such a series of insulting puerilities as no House of Parliament was ever before entertained with under the name of a defence! So much, for the present, of the late Secretary; and now to proceed to another view of the success of this war.

"The late Chancellor of the Exchequer tells us, that he forbears going over the military exploits, only because his right honourable friend has put those things in the clearest light. He is equally positive as to the success of the war; but not to usurp upon his truly fortunate colleague, he has his own peculiar instances to detail, of prosperity, of comfort, and of multiplied happiness—all flowing in upon the country from his own more immediate department. Quite scandalized at my honourable friend's statement of the magnitude of the national debt in consequence of this war, the right honourable gentleman pares down its amount since 1793 to the trifle of one hundred and sixty millions; and how? by a mode surprisingly curious indeed. First, he cuts out the fifty-six millions for which the income-tax is mortgaged; and next, he desires you to forget all that the sale of the land-tax has already purchased, or may yet redeem. Alas, Sir! there is not a gentleman in this House who would rejoice more than myself if the income-tax could be set down for nothing; and I cannot help admiring that insensibility under which the right honourable gentleman passes over a grinding impost that has ripped open the private concerns, and reduced the necessary comforts, of every man in England. The extinction of debt from the sale of the land-tax carries its own evil in its tail; and we might as well rejoice at our prosperity from that measure, as a private man would from paying his debts by bringing his estate to the hammer. The debts in so far may be paid, but the estate is gone for ever. The right honourable gentleman must think his audience are children, when he attempts to cajole them by such a play upon words.

" In reality, what is the state of the country upon this point? From such a population as that of Great Britain,* near forty millions sterling are annually wrung; to this add ten millions more for the poor-rates. The right honourable gentleman has estimated the landed rental of England at twenty-five millions. Thus, then, we pay, yearly, double the produce of the whole rental of the country in rates and taxes; a sum approaching very nearly the whole income of the country. Was any nation ever before in such circumstances? If nothing else were stated but this undisputed fact, is it not of itself a crying reason for inquiry? As to the sinking-fund, let it be always remembered that its effects, highly beneficial as they are, must depend upon the revenue keeping its level. If the revenue fails, the charm of the sinking-fund vanishes into nothing. This, Sir, is the true picture of our financial condition as a state; and the condition of the people is strictly answerable to it. One-sixth of all the souls in England are supported by charity; and the plight of a great proportion of those who contribute to their maintenance is but little better than that of the paupers whom they succour. How the right honourable gentleman has nerves to sustain him in venturing to talk of the happiness of this country would be incomprehensible, if our long experience of him had not convinced us of the fondness with which he can survey every act of his own. The repetition of his delusions deludes even himself. He has indulged so much in these fatal reveries, that he appears to have become his own bubble, and almost to mistake for realities the phantasms of his bewildered wits. Let him ask any of the members from Yorkshire and Lancashire, what the state is of the manufacturers in those countries; even those" [looking at Mr. Wilberforce] "of whom I may not think the best, will not venture to deny the starving, distracted condition of those great and populous districts.

" These, Sir, are some of the internal effects of this war, which both the right honourable gentlemen venture to compare with former contentions against France. We have taken more, they tell us, than even in the Seven Years' War; and therefore this surpasses that in success. Good God! Sir, what an effect does a confidence in the votes of this House produce upon the understandings of men of abilities! To talk of this war, and that of the Seven Years! 'We have destroyed the commerce of France—we have taken their islands,' say you: but these, I say, were not the objects of the war. If you have destroyed the commerce of France, you have destroyed

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* Population in 1801:—

England	8,331,000
Wales	541,000
Scotland	1,599,000
	10,471,000

—Alison's Hist. of Europe, vol. vii. pp. 369, note, seventh edition.

it at the expense of near three hundred millions of debt. If you have taken the French islands, you have made a bootless capture; for you are ready enough to restore them as the price of peace. You have taken islands—but you have, at the same time, laid the house of Austria prostrate at the feet of triumphant France. Have you restored monarchy? Its very hopes are entombed for ever. Have you destroyed Jacobinism, as you call it? Your resistance has made it stronger than ever. Have you reduced the power of France? France is aggrandized beyond the wildest dreams of former ambition. Have you driven her within her ancient frontiers? She has enlarged herself to the Rhine and to the Alps, and added five millions to her population in the centre of Europe. You had all the great states of Europe for your allies against France: what is become of them? All that you have not ruined, are your determined enemies. Where are the neutral powers? Every one of them leagued with this very France for your destruction. Could all this be chance? No, Sir; it is the true succession of effect to cause. It is the legitimate issue of your own system. You began in foolishness, and you end in mischief. Tell me one single object of the war that you have obtained. Tell me one evil that you have not brought upon your country. Yet this House will not inquire. The right honourable gentleman (Mr. Dundas) says, 'We have had more difficulties to encounter than any former Government, for we had constantly thwarting us the implacable monster Jacobinism.' Sir, Jacobinism has in it no property so sure as the right honourable gentleman's system to propagate and confirm it. That system has given to Jacobinism life and nutriment, strength and maturity, which it could not have derived from any other course. Bent upon crushing every idea of any reform, they resolved to stifle the once free genius of the English mind, and suspend some of the most valuable parts of the English constitution, rather than yield one jot. Hence their Administration was marked, in this country, by a succession of infringements upon the dearest rights of the people—by invasions and rebellions in another country. The parent source of all these disorders is that baneful impolicy in which both the right honourable gentlemen endeavour to implicate the House. 'All that we have done,' says the right honourable gentleman (Mr. Dundas), who, to be sure, is more a man of things than words, 'has been approved by all, except a small remnant of this House' (an expression which he uses, I presume, to show, that though an Act of Parliament may incorporate legislatures, it cannot unite languages); and the other gentleman is so anxious to establish the popularity of his system, that he almost reproaches the House with coldness in their support of him. He complains that only 'seven-eighths' of the members of this House were for his measures, when he had nine-tenths of the people.

"If, Sir, this were true of the people they would almost deserve their present fate. But the drift of all this is obvious enough. This identification of himself with the House—this laborious shifting, as it were, of the right honourable gentleman's own responsibility upon their votes, is very intelligible; and he falls into that classical correctness which I have before noticed in his right honourable friend, in his great zeal to make that point clear. Though he has had three Parliaments chosen, one would have thought pretty well to his taste, he asserts that even the majorities of this House could not *come up* to the tone of the public, in favour of his measures, which, he says, had the sanction of all but a few 'exploded opinions' in this House. 'Exploded opinions,' then, he defines to be opinions which this House negatives by its majorities. The right honourable gentleman must allow me to inform him, that his great and justly revered father spent the greater part of his life in the enforcement of such exploded opinions. I must remind him, that he himself was for sometime tainted with such exploded opinions. 'Exploded opinions' have distinguished many of the wisest and best men this nation ever produced; and though I lament the sufferings of my country from the neglect of those opinions, I assure the right honourable gentleman and this House, that there is nothing on which I should so steadily rely for the regard of good men living, or of posterity, when in my grave, as those very opinions which the votes of this House have enabled the right honourable gentleman to stigmatize as 'exploded.' In point of fact, however, the right honourable gentleman, still surveying himself in the flattery of his own mirror, is wholly mistaken about these exploded opinions. It was to these exploded opinions that the negotiations of Paris and Lisle are attributable. We gave strong reasons in this House for peace. The public thought with us; and we have his own words, that he entered upon that treaty only in compliance with what he now calls 'exploded opinions.'

"But the right honourable gentleman has a keen anxiety lest this House should not continue to think these opinions quite so exploded; for he asks, 'Will this House, by going into the proposed inquiry, disgrace its former votes?' To which I answer, Yes, certainly; if this House will save the country. In the very House of Commons, to which I before alluded, the early scene of the right honourable gentleman's 'exploded opinions,' this very stimulus to pride was urged, though without effect. That House, as well as this House, was questioned, 'Will you, the uniform supporters of this war against America, disgrace your former votes?' But, Sir, they did disgrace their former votes; and by so doing, they did honour to themselves, and saved their country. That Parliament was a retracting and a recanting Parliament. Bitter as it was, the draught was swallowed; and I have no hesitation in saying, that this House, to rescue this country, if that, indeed, be possible, from the perils in which the right honourable gentleman has involved it, must tread in the footsteps of its predecessor in 1782; and, by renouncing the right honourable gentleman and his system together, preserve this country from its impending dangers.

"Now, Sir, I come to the consideration of the late change of Administration. Before I touch upon the others, allow me to say, that, with respect to one of them, I do not think it would be easy, if possible, to find a man in the whole community better suited to, or more capable of, the high office he fills, than the distinguished person at the head of the Admiralty: I mean the Earl of St. Vincent; but beyond him, I own, I do not feel myself able to say one word that can be very agreeable to any individual of the remainder. As to the mere change, it is true, that no change can be for the worse; for I defy the evil genius of the country to pick out an equal number of men from any part of England, whose measures could, in the same space of time, reduce the country to a more deplorable state than that in which the retired Ministers have left it. But was there no alternative for the country between them and their exact successors? I feel this to be a very unpleasant part of this night's unavoidable discussion: in matters of importance, however, delicacy must give place to duty. The late Chancellor of the Exchequer, not, perhaps, quite free from redundancy, has blended with his panegyric of the honourable gentleman over against me, (Mr. Addington), a gaudy picture of the importance of the chair which you, Sir, occupy. I agree that the office of Speaker is a high and honourable station. It is certainly the first dignity in this House; and, I suppose it was *merely* for the public good, that both your predecessors descended from that altitude to *inferior places*, but happening to be at the same time situations of infinitely more emolument and power. A man, however, may be an excellent chairman of this House, as the late Speaker undoubtedly was, without being exactly qualified for the office of Chancellor of the Exchequer. At the present moment this is all that I think it necessary to say with regard to the respectable gentleman whom you, Sir, have succeeded.

" The next in point of importance, both of office and character, is the noble lord upon the opposite bench, (Lord Hawkesbury), who has richly shared those florid praises which the right honourable gentleman (Mr. Pitt) has poured so fluently upon the whole body of his successors. I assure the noble lord, that I have as much respect for him as I can have for any person of whom I personally know so little. He has been, it is true, a member of this House for many years, and, I doubt not, a very diligent member; but, if you had polled the country, not an individual could be found in it less happily selected for the peculiar department he occupies than the noble lord; the noble lord who, in whatever else he may surpass them, does not yield to any one of those whom he officially succeeds, in the virulence of his obloquies upon the French Revolution; who has spent as many hours in this House as any member of the late or present Ministry, in showing the irredeemable infamy of treating with that 'republic of regicides and assassins.' Never, surely, was there a worse calculated proposer of peace to Paris than the very noble lord who was for cutting the matter quite short, and marching off-hand to that capital. What, then, is this country to expect? A change of system? No: for all that the public have learnt upon this subject is this, that the new Ministers are come in distinctly and expressly to support the system of the former; with this single exception, (which makes any hope of establishing the tranquillity of the country recently united to us wholly desperate), that they are hostile to the only measure of their predecessors which has any pretension to wisdom and good policy.

"Before I proceed to the conclusion of this part of my subject, I must beg leave to say something upon this much-talked-of subject of Catholic emancipation. As to the mere word 'emancipation,' I agree with the right honourable gentleman (Mr. Pitt), that the expression is not the best adapted to the case. It is not emancipation, in the ordinary meaning of the term, that the Catholic wants, or that the Government can grant; it is the removal of the civil disabilities that remain, and that remain for no end either of security, of policy, or of prudence—insulting and vexatious distinctions, beneficial to no interest whatever—but the fruitful source of jealousy, discord, and national weakness. The right honourable gentleman talks of the King's reign having been a series of concessions to the Catholics. Sir, the King's reign is marked by no concessions which the blameless conduct of the Catholics was not calculated to exact from the most unwilling government in the world. He talks of what has been given to the Catholics. Sir, you give them nothing while you deprive them of a right to sit in this House. I know of no political rights which ought not to be common to all the King's subjects, and I am sure that a system of proscription, on account of theological differences, will for ever be found not more unjust and absurd than pernicious. If this principle needed illustration, Ireland affords it beyond the power of controversy. Divided by the Government it presents a constant temptation to your enemy. Rebellion is the fruit of bad policy, and invasion is encouraged by disunion.

"In mentioning the name of Earl Fitzwilliam, (so strangely quoted by an honourable gentleman, as having contributed to the misfortunes of Ireland by his proposal regarding the Catholics), though I am eager to avow my partialities for that noble person, it is not from private friendship or personal regard that I call upon any really candid man to deny, if he be able, upon his honour and conscience, that the system introduced by that noble lord would not, if then adopted, have prevented those dreadful scenes of havoc, murder, and devastation, which have since desolated that wretched country. Let it be for ever remembered, that, with all the industry which has been employed in making up the reports of the Irish Lords and Commons upon these subjects, not a vestige of evidence appears, but the direct contrary, that any approach was made to seek assistance from France, or that even the most distant idea of separation from, or setting up for independence of this country, was entertained in Ireland, until every petition for peaceful redress of grievances was spurned and rejected.

"But, Sir, this concession, to which a few years since, (when, in my full belief, it would have prevented all the calamities that have since happened,) the right honourable gentleman was so determined an enemy, and of which he is now, it seems, a martyr, was to have been, in his hands, accompanied with God knows what guards and qualifications. As to the apprehensions, I think all such wholly chimerical—but no matter. Whatever apprehensions to Church or State the fearful or the zealous might entertain, from the grant of this Catholic claim, they were all to be composed and done away by the healing, wholesome, tranquillizing plan of the right honourable gentleman:

and, after raising our expectation to the highest pitch in favour of this choice scheme, this choice scheme, he tells us, must be locked up in his own breast. Now, that the right honourable gentleman should not impart his project to us on this side, whose dislike to it he anticipates, is nothing; but that he should resolve to keep this House and the public in total ignorance of this most wise and perfect system, is utterly unaccountable. The right honourable gentleman's steady determination to hide from the world this piece of excellence, reminds me of a saying of Mr. Burke, who, in his fine strain of ridicule, observed, that if torture could ever be justified, it would be when a man refused to reveal what he asserted would be a mighty benefit to mankind. Torture had of late been liberally applied to extort the confession of evil; and if one could give the right honourable gentleman credit for the just grounds of his egotism, it would almost tempt a wish that he were compelled to disclose this blessed secret. So obdurate is he upon this point, that he not only seals his lips against such a happy disclosure, and proclaims his determination not to introduce, in his own person, any question upon this subject, but he absolutely forbids the House from discussing it, by declaring, that such discussion will not be useless merely, but mischievous. It is not, however, to this part of the business alone that the right honourable gentleman's mysteries are confined; everything connected with it is to be shrowded in silence and concealment. After avowing very fairly, so far, though not the direct composition, the sense and spirit of the paper diffused through Ireland in his name; and after owning that his inability to propose his Catholic regulations, as a Minister, was alone the cause of his resigning his office; the right honourable gentleman protests against further explanation. 'No further avowal or denial shall be drawn from him, either now or hereafter.' This, surely, is the most extraordinary declaration that ever fell from the lips of a public man. The right honourable gentleman resigns his office, because he cannot propose his measure. To Ireland he sends his sentiments, as they are conveyed by a friend of his, in the paper alluded to. He describes his plan to this House as the perfection of all wisdom; and upon all these points he defies interrogatory, and deprecates comment.

"The right honourable gentleman asks, 'Is it wonderful that the Sovereign should have an opinion?' No, certainly; and if the right honourable gentleman did not make himself acquainted with his Sovereign's opinion upon this point, long before the proposed introduction of his meditated system, he was guilty of a breach of duty. In what possible way can the right honourable gentleman be exculpated from the charge of gross irreverence to the King, or of abusing so many millions of his people? He denies that any positive pledge was given to the Catholics at the Union; but admits that it was natural for them to cherish expectation from it. Natural! Why, unless they reasoned very deeply, indeed, upon the right honourable gentleman's mind, such an expectation was inevitable. In the nature of things they must have looked upon it as a certainty.

"I shall say nothing of the other means employed to accomplish the Union; but in respect to the operation of the Catholic question upon that measure, I can easily conceive, that if any friend of the Catholics, my relation the Duke of Leinster for instance, or any other person well affected to their cause, or any of the leading Catholics themselves, should have been consulted by the right honourable gentleman, what can be so likely as that the right honourable gentleman should have hinted in private, what he has so distinctly stated in public, namely, that the shortest, surest course to the attainment of their objects would be, their support of that measure, from the adoption of which alone those concessions could flow which were so often refused by provincial prejudice, ignorance, and injustice. Upon the other hand, I cannot conceive anything more probable than that the reluctance of those early enemies to the Union, who are, at the same time, such infuriated terrorists in favour of Protestant ascendency, had been subdued by assurances that an Imperial Parliament alone could raise a barrier sufficiently powerful to beat back the claims of the Catholics, so often, and so likely to be often preferred in the Parliament of that country. It appears to me that nothing could be at once more likely, and more like a pledge, than all this, when those public declarations of the right honourable gentleman are remembered, which left no reserve upon this—that for either giving or rejecting the Catholic claim, the justice to feel it, the liberality to grant it, and the strength to secure it to the one sect, without mischief to the other, could be expected in a general Parliament of the empire—and in that alone.

"That both parties in Ireland are discontented and disgusted, cannot be otherwise than too true. To the Protestant zealot there is no security, to the Catholic claimant no satisfaction. Such is the right honourable gentleman's infelicity upon this great question, that the measure which was to be the remedy becomes the source of all distempers. Instead of quieting, he has agitated every heart in that country. The epoch from which was to begin the reign of comfort and confidence, of peace and equity and justice, is marked, even on its outset, by the establishment of that which rests every civil blessing upon the caprice of power. Ill-starred race! to whom this vaunted union was to be the harbinger of all happiness; and of which the first fruit is martial law,—or, in other words, the extinguishment of all law whatsoever!

"The situation of the King, and of this House, upon the subject, is quite unexampled. His Majesty's prerogative is clear and undoubted to change his servants, to give or to refuse his assent to every law; but it is a gross breach of the privileges of this House, and a deep violation of the constitution, to use the King's name for the purpose of influencing its deliberations. Here is not only an introduction of the King's name, but a declared incapacity to propose a salutary system, on account of objections which the constitution of the country, and the undoubted rights of this House, will not allow to be even mentioned or hinted at. Sir, I respect the monarchical part of this government; but the Monarch has nothing to do with the sentiments of a member of Parliament: and for the wonders of these times was reserved a public declaration within these walls, coming from high authority, that a plan of acknowledged benefit cannot be proposed here, unless it comes recommended from the Crown, of which, by the constitution of the country, it should be the peculiar genius of this House to be wholly independent.

"This surely is a strange state of things; and every thing connected with it is of the same character. As a right, the right honourable gentleman denies the claim of the Catholics. He would give them nothing as a right—but he thinks the concession expedient. This, Sir, is not my sense of the Catholic claim. I would grant it, not merely because it is expedient, but because it is just. Those who press the doctrine of virtual representation to the utmost length, never ventured to carry it so far as even to pretend that it extended to the privation of the Catholic body. Catholics, in my opinion, have rights as well as Protestants. They have both rights conjointly; not resting upon light or frail grounds, but forming the very base and foundation of our civil system; and the government which does not acknowledge these rights of man in the strictest sense of the word, (notwithstanding the constant clamour against, and abuse of that phrase), not as theories and speculations, but as active and living principles, is not, and cannot be a legitimate Government.

"The inferences to be drawn from the style of argument which has been used in defence of the duration of these dreadful laws in Ireland, furnish a sentence of condemnation against the Government of that country, much stronger than any that was ever used by those who, so unavailingly, raised their voices against a system of terror, of free quarters, of conflagration, and torture. If it be true, as they allege, that treason has tainted that people to the bone—if the poison of Jacobinism, as they call it, pervade the whole mind of the multitude—if disloyalty be so rooted and so universal that military despotism can alone make the country habitable—it would be against the experience of the world that such a wide and deadly disaffection could, or ever did, exist in any nation on the globe except from the faults of its governors.

"To this country, too—to England, what a contradiction is the conduct of these honourable gentlemen to their professions! This nation was to reap marvellous blessings from the Union; but of what benefit is the junction of four or five millions of traitors? Such, the laws proposed by these honourable gentlemen tell you, the Irish are;—but such I tell you they are not. A grosser outrage upon truth, a greater libel upon a generous people, never before was uttered or insinuated. They who can find reason for all this, in any supposed depravity of the Irish, totally misunderstand their character. Sir, I love the Irish nation. I know a good deal of that people. I know much of Ireland from having seen it; I know more from private friendship with individuals. The Irish may have their faults, like others. They may have a quick feeling of injury, and not be very patient under it;

but I do affirm, that, of all their characteristics, there is not one feature more predominant, in every class of the country, from the highest to the lowest order, than gratitude for benefactions, and sensibility to kindness. Change your system towards that country, and you will find them another sort of men. Let impartiality, justice, and clemency, take place of prejudice, oppression, and vengeance, and you will not want the aid of martial law, or the terror of military execution.

Having said thus much upon the affairs of Ireland, let me recur to what I before urged regarding this new ministry. It is not that the change is for the worse upon the whole, for no change can be so;—but, let me ask, what is it that the public can expect from men whose fundamental principle is adherence to that system of their predecessors which has brought this empire into its present circumstances; and whose only novelty, or deviation from that system, consists in their repugnance to the only measure, of those whom they have succeeded, that has any pretension to good policy? 'Not so,' they will answer; 'the system was most wise.' Well, be it so; this 'wise system' has reduced this country to the state in which it is at this moment involved. Tell me how you intend to get us out of the danger? By the very means that got us in, is the inevitable inference. Do you try no change of system? No, by no means; we go the beaten course. Is there nothing new in your plan? Yes, our predecessors designed to restore four millions of our fellow-subjects to the rights of the constitution. This we refuse. In all things else we follow their example. Such is this new ministry—and such the obvious hope from their appointment!

" Upon the question with the northern powers, the noble lord, (Hawkesbury), if rumour err not, has been as high-toned and intractable in his official communications as even his vigorous predecessor. As far as respects France, the whole country could not afford a selection of men so calculated to excite distrust. If anything could justify the sporting with human life, never, surely, was occasion more apt of retorting the insulting folly made to Bonaparte's most conciliating proposals of last year. With how good a grace might he not answer, ' With you I cannot treat—you are but newly in the possession of a doubtful power—I must have experience and the evidence of facts—You have called me a child and champion, and sometimes a puppet—You are the children and champions of those whom I have covered with indelible disgrace —How do I know that I can place the least reliance upon any treaty made with men who, indeed, may be mere puppets moved by wires in the hands of others?' Thus might Bonaparte cast back upon this government the absurd impediments that were raised against any negotiation with him in January, 1800. But I believe him to be much too wise, and too sensible of that which constitutes his truest glory, the desire of giving a durable peace to the world, to resort to such objections, or descend, upon so important a subject, to repeat their words, whose example he has scorned in so many other instances. What a contrast does his conduct afford to that of the gentlemen over against me!

"To the reiterated importunities of this side of the House, in favour of negotiation, they have replied alternately in this style. When beaten, 'What!' said they, 'will you treat now and dispirit the country? Is the moment of defeat the time for negotiation?' Not so Bonaparte. Even in the state to which the Directory reduced France, even before he drew the sword from the scabbard, he humbled himself, (if the noble wish of stopping the effusion of human blood can indeed be humility), to reconcile those honourable gentlemen to the restoration of the world's tranquillity; and it will be matter for curious reflection for after ages, to observe such a man as Bonaparte almost upon his knees, supplicating such conductors of war as those over against me for peace. In the crisis of success, when we implored them to take advantage of the victories of our fleets, they have replied, 'What, treat now, when we are so near the object of the war? Will you sully the glories of your navy?' But Bonaparte, who gained not a victory without making a proposal of peace, did not think that the glories of Marengo or Hohenlinden were in danger of fading, from the constant proffers of a pacification made by him who never won a laurel without showing the olive at the same time. We, on this side of the House, have been taunted with unnerving the people and undervaluing their resources, at the several epochs when, truly describing the country, we urged the other side to peace. I am no advocate for despondency, and should be the last person in the world to countenance a sentiment of despair in either man or nation; but I am sure that the true road to ruin for either, would be to shut their eyes to the reality of their danger. How stands that point with the rival government?

"Did Bonaparte blink the difficulties of France? It is possible that, with a view to enhance his own renown, he may have magnified, but it is quite certain that he did not understate its distresses of any sort. Far from it. He exhibited to his country a strong picture of national misery; and to rouse the energies of France to those extraordinary achievements which immortalize the short campaigns of the last year, his proclamation was—what?—the answer of the gentleman over against me to his entreaties for peace. Not all his conquests, not all his fame, so effectually recruited the French armies, as that solemn appeal to the good sense of France, that stimulus to revolutionary ardour, and to the proud passion of national independence, the ever notable reply of Lord Grenville to M. Talleyrand. Marengo and Hohenlinden grew out of that famous paper. To a frank but respectful letter addressed to the King of England, they say, 'Restore the Bourbons!'—or, in other words, 'Go hang yourself!' If you would give a speedy peace to France, re-instate that family, whose first act in all probability would be, to bring you to the scaffold.' Bonaparte was so perverse and strange a man, that he rejected this good advice, and would not consent to his own destruction and dishonour, by replacing France under that tyranny from which the Revolution freed her, and which nine years of unheard-of sufferings, and of martial prowess without example in history, had been consecrated to annihilate.

"The right honourable gentleman (Mr. Pitt) seemed to kindle at the supposed charge of making the restoration of monarchy a *sine quâ non* of peace. Had that charge been really urged, I leave any man to judge whether the means of supporting it are not abundantly supplied by Lord Grenville's memorable despatch; but though he tells us that we are callous to the refutation, the right honourable gentleman, in fact, is combating a shadow, for that is not the charge. A total failure of all the declared objects of the war, of which the restoration of monarchy was one of the foremost, is the charge we make; a charge which he has not answered, and cannot answer; and if the right honourable gentleman cannot distinguish between a motive to war, and a *sine quâ non* of peace, he must have left his understanding behind him in his office.

"All the right honourable gentleman's dexterity is employed to show this House that it will be giving itself, as it were, a slap on the face, if it adopt this motion; and he makes to his friends a most pathetic appeal upon grounds purely personal. Conscious that inquiry will ruin him, he urges the pride, the consistency, the feeling of the House to reject my honourable friend's motion; and he warns his noble relation (Earl Temple) to spare his compliments, if he withholds his vote. Inquiring into his conduct, he avows, is the worst service his friends can render him. Sir, undoubtedly this is so far the truth, that a fair and honest inquisition would be his overthrow; and his conduct this night is a perfect comment upon his life. But is it thus with men who dread not investigation? The name of Lord Fitzwilliam has been mentioned. When a great question of state, affecting the peace of a whole nation, was at issue between that noble lord and the right honourable gentleman's government, how did Lord Fitzwilliam act? Did he skulk under the supposed sympathies of parliament? Did he say, Don't bury me under compliments, if you vote for inquiry? No, Sir, that noble lord in his place in the other House, provoked, demanded, and challenged inquiry; and it is in the memory of many now present, that there was not in this House one person connected with that noble lord, by private friendship or by any other tie or intercourse, who did not vote for going fully into that transaction. Not so the right honourable gentleman, because he is conscious of no such cause. This House rejected that motion, the adoption of which might have prevented the miseries that have since intervened. May God avert similar consequences from similar conduct this night!

"If the right honourable gentleman can continue to persuade this House against the revision of his conduct, I do not wonder that he should have seized the opportunity of resigning the government into the hands of his friends. The right honourable gentleman near him, (Mr. Dundas,) after telling the House an entertaining story of Charles the Second, sneers at us, and says he has not heard of any prayers offered up for our succeeding to their places. Has the right honourable gentleman heard of any prayers offered up for their return to them; or in any part of the kingdom has there been a regret expressed at their retreat? Perhaps it would be nearer the truth to say, that no joy was more general, till that feeling was damped by the suspicion that the change of ministry was in reality no change at all. But the right honourable gentleman (Mr. Pitt) has taken infinite pains to contradict this notion, and laboured very assiduously to prove that it was, in good sooth, a real change, and no juggle. 'Is office,' he asks, 'a thing that people are generally eager to lay down?' Undoubtedly, in that respect nothing is more easy than to ascertain the right honourable gentleman's disposition, materials for deciding it being amply afforded by his history; and if the world really thinks that he has relinquished the government merely because he found impediments to a wise and honest measure, then the right honourable gentleman has the full effect of his character. It, however, is indisputable, that no minister of England, up to this period, has discovered less alacrity in parting with his place.

"Still more to prove that the recent change is no imposture, he seems to lament that, being so near the end of his labours, he should be forced to yield to circumstances, and not be himself the person to terminate this glorious career—he grieves at not being in at the death, as it were. Now, Sir, as to what single object of the war the right honourable gentleman has gained, or (except in his departure from office) what reason he has for concluding that this contest is near its close, he leaves us in utter ignorance. Whence does he draw his conclusion? Are the points for which this government contended more likely to be attained at present than they were at Paris or at Lisle? Are you more likely to get the restoration of the Low Countries, which you so judiciously made a *sine quâ non* of the former negotiation, at this time than at that? Or, putting that matter quite out of sight, are you nearer to any other rational pursuit now than then? Are you stronger? Is France weaker? What is it, I ask, that feeds the right honourable gentleman's fancy into a notion that the end of this war is so near at hand?

"As to the late change of his Majesty's servants, it is impossible for me to say whether it is a juggle or not; but, considering the genius of the right honourable gentleman's contrivances, I can see many things in such a scheme which would make it not unsuitable for him to hazard such a thing as an experiment. Blinded he would be, and under hopeless infatuation, not to feel the total impossibility of his ever reaching that goal at which he casts such a lingering look. I do not exactly charge him with positive duplicity in conducting the different treaties which he opened with the enemy; but that he was grateful even to piety for the miscarriage of them all, is not to be denied. When, then, was he to be successful or sincere, who never negotiated without failing, and never failed without rejoicing? Not one single step could he take towards pacification without stumbling upon something that must suggest to him his own humiliation, and without prompting the enemy with perpetual mistrust. Well, therefore, may the right honourable gentleman pour forth his panegyrics upon his successors, who take this task (so ignominious for him and his colleagues) off his hands, and who, at the same time, proclaim their devotion to the principles of his Administration.

"Now, Sir, having advanced all that I think necessary to urge in support of my honourable friend's motion, I shall beg leave to say a single word upon a topic that has been several times alluded to in this debate, namely, my personal attendance in this House. It is not for me to anticipate the determination of the House this night. If I see any reasonable grounds for thinking that my regular appearance here can be really beneficial to the public, the public shall have that benefit: but if it is demonstrable, after the seas of blood that have been shed, and the hundreds of millions wasted; after such sacrifice of treasure and of reputation; after the failure of all the professed objects of this war, and after bringing immeasurable woes upon the country in consequence of it, after a series of military enterprises which excited the contempt, and some of them the horror of Europe; after the loss of all, and the ruin of many, of our allies; after seeing the enemy aggrandized, beyond all example, by the very efforts made to abase him; after having abused the matchless glories of our navy, from the true end of all justifiable warfare, a safe and honourable peace; after seeing the ninth year of this direful contest advance us so little towards its close, that we see a a host of new enemies commencing a new war, pregnant with mischief whether we are victorious or vanquished; after all the infringements that have been made upon the English constitution, and our bitter experience that increasing the cause is not the true remedy for discontent; after all that we have seen in Ireland, and all that we feel in England: if all these things go for nothing, and the division of this night should manifest the same determined confidence of this House in that system which has produced all these effects, whether administered by its first leaders, or by their followers, raised from secondary into superior offices—then, Sir, sensible of the utter inutility of my exertions, I shall certainly feel myself justified in exercising my own discretion as to the degree of regularity with which I shall attend this House.

"How this House feels I know not; how it will act we shall shortly see. It is for the House to resolve how it will best discharge its duty; I am quite satisfied that I have discharged mine. Those who think that what I have stated are not evils, arising from any defect of wisdom, of vigour, of foresight, of prudence, or of any of the qualities that constitute the essentials to an able and capable Government; but that they are only slips of conduct, mere flaws of accident, affording no presumption against the King's Ministers, whom this House is constituted not to control or call to account, but to support and justify upon all occasions—such persons will of course vote against this inquiry. On the other hand, those who think that the misfortunes brought upon the country by the late Ministers are the necessary consequence of original folly in the schemes, and of imbecility in the execution; who think that the primary duty of this House is to guard the rights and protect the interests of the people; who are of opinion that the dreadful state in which the country finds itself is not more owing to the misconduct of Administration than to the absence of this House from that constitutional jealousy of the influence of the Crown which ought to be the first characteristic of a House of Commons, and from its uniform discountenance of all retrospect and revision. Those who think that the vice of the plans and principles that have brought the country to its present situation, has been cruelly aggravated by that boundless confidence which this House has uniformly shown, and which, instead of deterring from evil or doubtful projects by the fear of punishment, has operated as an encouragement to dangerous speculation, by the assurance of indemnity and safety; those who think that this question ought not to depend upon regard to the late or the present Administration, to predilections or antipathies for that side of the House or this; those who think that the reign of confidence has had full play, that the principle has been fairly tried and found wanting, who see in its sad effects that it is not more unconstitutional than impolitic, and who firmly believe that the surest method of redeeming the country in the present crisis, is for this House to resort to the good old customs of our ancestors, to resume in the worst the jealous vigilance of the best times, and to manifest that the support of Government must be accompanied by inquiry into its conduct; those, who think thus, will vote, as I shall, for the motion of my honourable friend."

The House divided on Mr. Grey's motion:—Yeas, 105; Noes, 291. So it passed in the negative.

Address on the Preliminaries of Peace with the French Republic.

The preliminaries of a general peace between France and England, the negotiations for which had extended through several months, were signed at London, on the 1st of October, 1801. By these articles it was agreed that all hostilities should immediately cease between the contending powers; that Great Britain should restore all its colonial conquests, with the exception of the Islands of Trinidad and Ceylon; that the Cape of Good Hope should be open to the commerce and navigation of the two contracting parties, who should enjoy the same advantages; that Malta and its dependencies should be evacuated by the troops of his Britannic Majesty, and restored to the order of St. John of Jerusalem; that for the purpose of rendering this island completely independent of either of the two contracting parties, it should be placed under the guarantee and protection of a third power, to be agreed upon in the definitive treaty; that Egypt should be restored to the Porte, whose dominions, and those of Portugal, were to be preserved entire; that the kingdom of Naples and the Roman territory should be evacuated by the French, and Porto Ferrajo and all the ports and islands in the Mediterranean and Adriatic by the English forces; that the republic of the seven islands should be acknowledged by the French republic; and that the fisheries on the coast of Newfoundland and in the Gulph of Saint

Lawrence should be restored to the footing on which they were before the war.*

November 3. The order of the day being read, the House proceeded to take into consideration the preliminary articles of peace between his Majesty and the French republic, signed at London on the 1st of October, 1801. After they had been read, Sir Edward Hartopp moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House, for having been graciously pleased to lay before them a copy of the preliminaries of peace which have been ratified by his Majesty and the French republic; and to assure his Majesty, that having taken them into their most serious consideration, they reflect, with heartfelt gratitude, on the fresh proof which has been afforded on this occasion of his Majesty's paternal care for the welfare and happiness of his people, and contemplate with great satisfaction the prospect of a definitive treaty of peace, founded on conditions which, whilst they manifest his Majesty's wisdom, moderation, and good faith, will, they trust, be productive of consequences highly advantageous to the substantial interests of the British empire." After the address had been supported by Mr. Lee, Lord Hawkesbury, Lord Castlereagh, Mr. Bankes, and Mr. Pitt, and opposed by Mr. Thomas Grenville and Earl Temple,

Mr. Fox rose and said:—"At no time, Sir, since I have had the honour of being a member of this House, did I ever give my vote with more heartfelt pleasure than I shall do on the present occasion, in support of the preliminaries of peace between this country and the French republic. And I own, Sir, that I think his Majesty's Ministers and the mover of the address did very wisely in taking that moderate line, and in refraining from all those topics which might have diminished the satisfaction which gentlemen must feel in assenting to the motion now before us. Yet, Sir, for my own part, I have no hesitation in saying, that had even the word 'honourable' been introduced into the vote, I should not have declined assenting to it; for I will be bold to say, that unless the peace be honourable it ought not to come before us. Whether the epithets safe and honourable be convertible, I will not now inquire; but of this I am sure, that among individuals, and much more among nations, honour is the most essential means of safety, as it is the first, and I had almost said the only legitimate ground of war. With regard to another term made use of by the noble lord, I cannot so readily agree with him. I cannot conceive how the term glorious peace could be applied. A glorious peace can only ensue from a glorious war, and such an epithet I never can apply to the late war.

"Those who have argued the subject before me have very fairly divided it into two heads:—1. Whether this peace be preferable to a continuance of war? this is certainly the most material point: and 2. Whether a better peace could have been obtained? The last point cannot easily be ascertained.

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* See the preliminary articles of peace between his Britannic Majesty and the French republic, signed at London, October 1st, 1801, Debrett's State Papers, vol. xi. p. xxvi.

If we could have had a better peace without running the risk of continuing the war, his Majesty's Ministers would undoubtedly have been very blamable in not making a better. But I should like to have it proved to me, how Ministers could have made a better. Sir, I was glad to hear the noble lord, whose speech I admired so much in all the main points of it, lay down that liberal system of policy, that what is gained does not of itself make peace so much the better; nor what is not gained, make it so much the worse. We have gained Ceylon and Trinidad; valuable acquisitions both. We have not gained the Cape, and I am not one of those who regret that we have not, for from its destination we shall have all the benefits of that possession without any of the expense of it. Perhaps, Sir, I do not agree with the honourable gentleman, who considers any acquisitions in the Mediterranean as secondary and subordinate points to Ceylon and Trinidad. The noble lord, considering the subject in a commercial point of view, says the Dutch did not possess Minorca, and yet they carried on the principal part of the Levant trade. But it is not in this point of view that I contemplate the question. Desiring peace most ardently, and thinking and hoping it may be a lasting one, I still cannot put entirely out of my consideration the possibility of future wars between the two countries.. In any such event, surely Malta would be a more important possession than either Ceylon or Trinidad.

"From this digression I return to the question, Why are we to suppose that better terms of peace could have been obtained? I wish to know, Sir, what pressure could have been made upon France that would have induced her to consent to better terms. And here I cannot help repeating, that though I admired much of the noble lord's speech, the part I most admired was that in which he applied the epithet 'unsatisfactory;' an epithet chosen with singular felicity to the state of the continent, fairly confessing, at the same time, that nothing gave him any reasonable hope of much mending it. But it has been urged, that France could not hurt this country. Not hurt it! That nothing can be more chimerical than the project of invading this country, I am as firmly convinced as any man can be. But are there not many other points which, at this late hour of the night, I will not discuss? Is there any man so blindly fond of the union with Ireland, so widely satisfied with the measures that have been adopted with respect to that country, as to say that the danger of a French force being in Ireland is not at least greater than the danger of an English force landing in France? The only question then is, whether by pressure of war we could prevail upon France to cede to us Malta or the Cape? Could we have prevailed upon her by pressure upon her colonies? No, for that had been already done. By pressure upon the European territory of France? That idea is absurd. By pressure upon her finances? Here, Sir, I cannot but admire the judicious conduct of his Majesty's Ministers. They have not sought to delude us by the jargon of their predecessors, and by senseless assertions of the French being not merely on the brink, but in the very gulph of bankruptcy. They had too much good sense to do it. They adopted another mode of conduct. They well knew, that, by insisting upon Malta or the Cape, they must have made peace on less dignified terms, or they must have continued the war. That we might have gone on with the contest, I am not prepared to deny. I am not blind to the resources of the country. I see one resource while I am speaking. The income-tax is only mortgaged for fifty-five millions of debt. It might have been mortgaged for as much more; but these resources, says the noble lord, and justly, ought to be reserved for the defence of our honour and our independence. I come, then, to this conclusion, that there was little probability of our gaining better terms of peace.

"I proceed next to the question, Whether we ought to have accepted these terms, or to have continued the war? I know a noble earl who sits on the same side of the House with myself, has called the peace a complete surrender, a capitulation of our safety; but yet, in the progress of that noble earl's speech, I discovered that he begged to be understood as not preferring another year of war to what he calls this complete surrender. Sir, it happens to many gentlemen, in the heat and hurry of argument, to be guilty of a little oratorical exaggeration. The expression of the noble earl seems to me to be of that description. I confess, Sir, I thought myself to be the last person to contemplate another year of war. But I now find I am absolutely warlike, compared with that noble earl. Yet though I cannot go so far as he does, I am still of opinion that another year of war would have been dreadful. Let me put one or two plain questions to the House. Let me ask every man who hears me, what has been the state of the poor for the last two years? What have we seen throughout the country, in every town and parish? We have seen the poor depending upon alms. We have seen the mass of the people living upon charity, all levelled by the most dangerous equality, an equality of claims to be fed; claims destroying true charity—Charity do I call it? Sir, one of the worst features of the present times is, that charity loses almost its nature. The claims were irresistible. The miser felt it his indispensable interest to give, as well as the humane. The industrious and the idle, the honest and the dissolute, were all to be fed alike; for, however you might prefer relieving the former, you could not suffer the latter to perish. I think I shall not at this time of day be told, that this evil was unconnected with the war. Have not the events of the last three months established that connexion? We have had a most abundant harvest, as well got in as it was plentiful in its produce. I know it did reduce the price of grain,* and, in some degree, the prices of other

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* Average prices of wheat per quarter throughout England and Wales, during the following months of the year 1801:—

	s.	*d.*
March	156	2
April	150	6
May	127	4
June	129	11

kinds of provision. But we saw that the prices began afterwards to rise again, probably because the fall had been more rapid than was natural. But what was the effect as soon as peace came? The fall from that time was much more rapid and considerable than it had been from the period of the harvest to the peace. Let gentlemen contemplate this picture. Let them say whether the outlines of it be not correct, and then let me ask them, can any man doubt, under such circumstances, whether it be not better for the people to eat, than that we should possess the Cape, or even Malta, could we have gained them at such a price? Another question I would ask is, whether gentlemen ever remember any event that was received with so much joy as the peace with France? But I may be told, that that joy was much greater among the lower classes of the people. Be it so, for the sake of argument. Why, then, I say, that this is only an additional proof of their having connected in their minds the idea of plenty with the prospect of peace. But it is added, that this popular joy was indiscriminating, and that the people never stopped to inquire about the terms. Most correctly true, I believe, is this assertion. But what does it prove? It only proves that the people were so goaded by the war, that they preferred peace almost upon any terms.

"Sir, there are many persons who think and lament that the peace is a glorious one for France. If the peace be glorious for France, without being inglorious to England, it will not give me any concern that it is so. Upon this point, the feelings and opinions of men must depend in a great measure upon their conceptions of the causes of the war. If one of the objects of the war was the restoration of the ancient despotism of France, than which I defy any man to produce in the history of the world a more accursed one; if, I say, that was one of the objects of the war, why then, I say, it is to me an additional recommendation of the peace, that it has been obtained without the accomplishment of such an object. My undisguised opinion is, that if the coalition for the restoration of the Bourbons had succeeded, the consequences would have been amongst all the kings of Europe a perpetual guarantee against all people who might be oppressed by any of them in any part of the world. All countries, therefore, must be benefited by the failure of such a project, but none more so than Great Britain. To the people of this country the consequences would have been fatal. Refer to the pages of history. Had the coalition in the reign of Charles the First established such a guarantee, would the liberties of the people have been preserved against the house of Stuart, or would Hampden have gained the immortal victory he did? To come lower down: had such a guarantee existed in later times, would the Revolution of 1688 have been able to maintain itself? I say,

July	136	11
August	124	9
September	88	10
October	77	2

—Gentlemen's Magazine, vol. lxxi. pts. 1 and 2.

therefore, that there could not have been any greater misfortune to the world than the success of that coalition for restoring the Bourbons to the crown of France.

"Sir, the noble lord, to whom I have had such frequent occasion to allude, does not, I am sure, expect me to agree with him in opinion upon the earlier periods of the war. Upon those periods, and upon the situation of France at that time, I differ with him directly. I have always conceived that we carried on a war against the freedom and independence of France. Sir, I know I shall be told that France was the first to declare war; but this I contend is no proof of her having been the aggressor. We refused to hear an authorized negotiator who was sent to us; we took no steps to procure reparation or disavowal of the acts complained of; and all writers that I have ever read upon the law of nations, agree that the country which refuses to hear what another has to propose, is to be considered the aggressor. The right honourable gentleman who has just sat down (Mr. Pitt), has urged it as a maxim, and I am not prepared to deny it, that whenever the Executive Government places us at peace with another country, we are bound to speak with decency of the Government of that country. If this be true with respect to the conduct we ought to adopt after peace is made, is it not equally our duty to abstain from harsh and insulting language before war is declared? Let gentlemen recollect the language of that right honourable gentleman in December, 1792. Let them remember what inflammatory topics he urged, what invectives he made use of at the very time he was proposing that we should abide by our system of neutrality.

"Sir, the pretended grounds of the war were the navigation of the Scheldt, the decree of the 19th of November, and other acts of the French Government. With respect to Holland, it was no *casus fœderis*, for she did not desire your assistance. And here, Sir, let me remind the House, that one of the indemnities we have obtained for that war, is from that very ally whom we pretended we entered into the war to defend. But, for my own part, I must confess that I always understood the object of the war to be the restoration of the house of Bourbon. Not that I mean to say that it was the *sine quâ non;* but I contend that they avowed it with confidence, prosecuted it with perseverance, adhered to it with pertinacity, and relinquished it with difficulty. But they now affirm, that, not being able to obtain what they wished, they contented themselves with securing what they could; that they had a second best object, a succedaneum to put up in case of necessity. Yet who amongst us ever thought that that succedaneum, that second best object, was Ceylon and Trinidad? Whoever imagined that they who had held forth such mighty objects, would ever have admitted the acquisition of an island in the east and one in the west, to be that 'indemnity for the past and security for the future,' for which they had so obstinately and loudly insisted?

"I come now, Sir, to the third division of the question—the subject of guarantees. Suppose you had got, says the right honourable gentleman, a guarantee for Naples or for Piedmont, how would you have enforced it? I admit the justice of his conclusion; but surely I had no right to expect this from the 'Deliverer of Europe.' I had no right to expect that he, of all men living, would have argued against our interfering in favour of Naples or of Piedmont, because we had not the means of doing it successfully.

"I have now, I hope, sufficiently convinced the House, that in the terms and tone of the treaty I perfectly coincide with the noble lord. I approve of the terms. I think the noble secretary has very wisely tempered firmness of conduct with moderation of tone. But further than this I cannot go with him. I cannot agree with him upon the time at which the treaty was made. It comes, in my opinion, many, many years too late. I would put it to the House, whether, at the period when we were most railed at and reviled for advising pacific measures, any man supposes for a moment that peace would not have been made upon terms equally advantageous with these? Does any man doubt that France, upon the breaking out of the war, would have acceded to much better terms? Does any man doubt that she would then have relinquished Holland, and perhaps abandoned even her designs upon the Netherlands? Would she not have given us better terms, both in the East Indies and the West? I urge this, Sir, with the more earnestness, in order to repel the idea of our being forced into the war. I know there were some gentlemen who admitted that she did not wish to commence hostilities with us at that time, and who told us, that she meant only to give us the privilege of being devoured the last. But might we not, I repeat, at every period since, have obtained better terms of peace than we have done? Could we not have negotiated with more effect after the surrender of Valenciennes? At length a new government was established, and a negotiation was entered into at Paris. That negotiation failed, from the extravagant pretensions of his Majesty's Ministers. A second negotiation was afterwards begun at Lisle. Whatever may have been said of that negotiation, I would ask, how could we hope for success from it, when it now appears that the sentiments of the members of the Cabinet were so various and so opposite? when we find that one of those ministers now thinks that peace to be a good one which gives up the Cape; a possession which, another minister contended, could not be abandoned without committing a crime deserving the severest punishment. But that negotiation, we have been told, was entered into, not so much from any pacific inclination on the part of his Majesty's Ministers, as in compliance with the sentiments of the public. We have more than once heard them rejoice in its failure, and avow that they recurred to it for the purpose of facilitating the adoption of a solid system of finance. Such a motive operates now no longer. At length, in December, 1799, the Chief Consul of France makes a direct overture of peace. What answer did we return? Why, that the most effectual mode of facilitating peace would be to restore the Bourbons; that, indeed, was not the only means, but it was left to the French government to suggest any other. Was it the most likely method to prove our pacific wishes to ask Bonaparte to cut his own throat?

for the first effect of the restoration of the Bourbons would, in all probability, have been the sacrifice of his life. But were the other means at which we hinted the possession of Ceylon and Trinidad? Would not Bonaparte at that time have given us up both these islands—aye, and the Cape into the bargain? We might then have had Egypt by the Convention of El Arish.* The gallant Abercrombie would not, indeed, have fallen covered with laurels in the lap of victory, nor would our brave army have acquired such immortal honour; but we should at least have had Egypt without the loss of blood or of treasure. And what would then have been the case in Europe? The Chief Consul might not perhaps have relinquished the Netherlands, nor the left bank of the Rhine. But in Italy he had only the Genoese territory: we had nothing then to resist to the south-eastward of the Alps, and the forces of our allies were victorious to the frontiers of France. Then did the right honourable gentleman ransack the English language for epithets of severity and invective against the man whom he now contends we ought to treat with such decorum. But here I must do that right honourable gentleman the justice to acknowledge, that he confessed he indulged in that invective because it pleased him, but that it would be no obstruction in his mind to any other negotiation which circumstances might render it proper to enter into with him. At that time the consideration of the want of the stability of the government operated with considerable power. I urged then, and still urge, that the question of the stability or instability of the government ought not to be treated as of great consequence. I recalled to the recollection of the House, that none of the convulsions or changes of the French Revolution, none of the shocks and contentions of the different parties, had produced any material alteration in the relations which France established with foreign powers. She had, at an early period, made peace with Prussia, and with that power she sedulously preserved that peace during all the stormy times that succeeded the ratification of it. But, Sir, we were told by his Majesty's Ministers to pause. We did pause from January, 1800, to October, 1801, and we have added seventy-three millions of debt since the impertinent answer, for I can call it by no other name, returned to the overtures of the Chief Consul. In other words, Sir, we have added as much to our national debt in that short period, as the whole of our debt consisted of from the period of the Revolution to the Seven Years' War. This pause of his Majesty's Ministers cost five times as much as all the Duke of Marlborough's campaigns.

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* By the Convention of El Arish, signed on the 24th of January, 1800, it was stipulated that the French army should return to Europe with its arms and baggage, on board its own vessels, or those furnished by the Turkish authorities; that all the fortresses of Egypt, with the exception of Alexandria, Rosetta, and Aboukir, where the army was to embark, should be surrendered within forty-five days; that the prisoners on both sides should be given up, and that the Grand Vizier should pay one hundred and twenty thousand pounds during the three months that the evacuation was going forward.—Alison's History of Europe, vol. viii. p. 5, seventh edition. See the Convention, Debrett's State Papers, vol. xi. p. 56.

"But it is said, that the case was altered by the defection of our allies; and the noble lord asks us, whether we would trust to the chance of reviving a third coalition, and the consequent expenditure of blood and treasure? Sir, I say the experience of the first coalition would have been quite sufficient to have deterred me from attempting any other, and the argument would have applied with as much strength many years ago, as it does at the present moment. The noble lord next alludes to the principles and power of France. For my own part, I never had much dread of French principles, though I certainly have no slight apprehension of French power. Of the influence of France upon the continent, I am as sensible as any man can be; but this is an effect which I do not impute to the peace, but to the war. It is the right honourable gentleman himself who has been the greatest curse of the country by this aggrandizement of France. To France we may apply what that gentleman applied formerly on another occasion—we may say,

> 'Me Tenedon, Chrysenque, et Cyllan Apollinis urbes,
> Et Scyron cepisse.'

He is the great prominent cause of all this greatness of the French republic. How did we come into this situation? By maintaining a war upon grounds originally unjust. It was this that excited a spirit of proud independence on the part of the enemy: it was this that lent him such resistless vigour: it was this that gave them energy and spirit, that roused them to such efforts, that inspired them with a patriotism and a zeal which no opposition could check, and no resistance subdue.

"If I am asked what my opinion is of the future, my reply is, that, to put us in complete enjoyment of the blessings of peace, small establishments alone are necessary. It is by commercial pursuits and resources that we must attempt to compensate for the aggrandizement of our ancient rival: to cope with him in large establishments, in expensive navies and armies, will be the surest way to unnerve our efforts and diminish our means. Sir, I am not sanguine enough, though I think and hope the peace will be lasting, to calculate on a seventy years' peace. But still I am sanguine to a certain degree in my expectations, that the new state of France will turn the disposition of her people to a less hostile mind towards this country. I do think that Bonaparte's government is less likely to be adverse to Great Britain than the house of Bourbon was. God forbid that I should insult a fallen family; but the interests of my country compel me to say, that the Chief Consul cannot have a more inveterate spirit, and a more determined hostility towards us, than the house of Bourbon had. It has been said with truth, that the trade of France has been nearly annihilated; but I believe, the accounts from the interior of France do not represent her to be in a desolate state; and for Heaven's sake let us not forget that the Revolution has produced the effect of removing many of those internal grievances under which France groaned under the old government. It has abolished the corvées, a most vexatious tax; the feudalities, the odious and unjust immunities of the rich from the payment of taxes; it has abolished the privileges of the nobility, not those privileges which place the nobility as a barrier between the crown and the people, but those privileges which enabled them to tyrannize over and oppress their inferiors:—in a word, the French have made those reforms which we did two centuries ago.

"Sir, for my own part, I cannot help thinking that the encouragement given to the arts and sciences, the increasing patronage in France of agriculture and of commerce, will make the minds of the people more pacific. It is a notorious fact, that the joy with which the French received the communication of the peace, was quite as great and as sincere as it was in this country. The Chief Consul well knew, that in making peace he fulfilled the desires of the people whom he governs, as much as his Majesty's Ministers accomplished the wishes of the people of England. What, then, remains to be considered but this affair of commerce? Many persons are fearful that our commerce will suffer from the competition of France. I have no such fears. As far as our trade can be attacked by the rivalship of France, I think that rivalship will do us good. If, as some of you think, the weight of our taxation will enable France to rival us, is not that, I would ask, an additional argument in favour of peace?

"The right honourable gentleman who spoke last, alludes to the principles and power of France. Of the former he is no longer afraid, though he is of the latter. If this be the case, is it not rather strange that he should think of assailing principles by guns, and pikes, and cannon; but that, when he is afraid of the power of France, he would make peace? Sir, principles never were, and never will be annihilated by force. I never had so much dread as some gentlemen had of French principles. I never conceived that they would have much influence in this country. I never thought that Paris, under the dominion of Robespierre, held out a very inviting example to the British capital. Sir, the French Revolution was calculated to fix men's minds more eagerly upon the question of liberty. But, was the sword the best means of opposing it? Disgrace and defeat might have tended to weaken it in the opinion of many, but victory and glory only gave it additional currency and credit with the great mass of the people.

"I proceed now to a subject connected with our domestic situation—I mean Ireland, which one noble lord seems to think has been treated with a delicate hand. Of the union with Ireland I will not at this late hour enter into an investigation; time will best show whether it be likely to strengthen the connexion between the two countries. But when we hear of this mixture of delicacy and firmness, let me ask, what delicacy there was in the burnings and massacres. The noble lord has been incautious in the selection of his words; he has spoken of indulgences to be granted to the people in consequence of the peace. Is the substitution of common law for martial law, or the restoration of the Habeas Corpus, to be considered as an indulgence? Sir, there were times in which these were considered as sacred pillars of the constitution, not as indulgences. If they are restored to vigour, I shall receive them as a right. I cannot be grateful for them as a boon.

"Sir, I have nothing more to say, but to thank the House for the attention with which they have honoured me, and to beg pardon for having trespassed on them so long. I rejoice at the peace—cordially, sincerely, heartily, rejoice at it. I hope it will be lasting. I believe it will; but to the last hour of my life I shall never cease lamenting that it was not made years ago, when we might, perhaps, have had better terms, but when we could certainly have had as good as those which have been submitted to us this day."

The address was agreed to without a division.

Character of the Duke of Bedford.

1802. *March* 16. On the 2nd of March, 1802, Francis, fifth Duke of Bedford, died unexpectedly, at the early age of thirty-seven. His great endowments, and the premature termination of a life, the latter part of which was almost entirely devoted to the popular pursuit of improving the system of the rural economy of his country, caused a strong degree of interest to be felt on the melancholy occasion of his death. During his life, as a public character, he was connected with Mr. Fox, to whose political principles and conduct he was most warmly attached, and by which he was invariably guided. On the 16th of March, Mr. Fox, in moving a new writ for the borough of Tavistock, vacated by Lord John Russell, who had succeeded to the titles and estates of his deceased brother, took occasion to pronounce the following eulogium on his departed friend.*

"If the sad event which has recently occurred were only a private misfortune, however heavy, I should feel the impropriety of obtruding upon the House the feelings of private friendship, and would have sought some other opportunity of expressing those sentiments of gratitude and affection which must be ever due from me to the memory of the excellent person, whose loss gives occasion to the sort of motion of course which I am about to make to the House. It is because I consider the death of the Duke of Bedford as a great public calamity; because the public itself seems to consider it such; because, not in this town only, but in every part of the kingdom, the impression made by it seems to be the strongest and most universal that ever appeared upon the loss of a subject; it is for these reasons that I presume to hope for the indulgence of the House if I deviate in some degree from the common course, and introduce my motion in a manner which I must confess to be unusual on similar occasions.

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* This speech was printed in the Monthly Magazine for April, 1802, from Mr. Fox's own manuscript. On presenting it to the proprietor of that publication, Mr. Fox observed, that "he had never before attempted to make a copy of any speech which he had delivered in public."

"At the same time, I trust, Sir, that I shall not be suspected of any intention to abuse the indulgence which I ask, by dwelling, with the fondness of friendship, upon the various excellences of the character to which I have alluded, much less by entering into a history of the several events of his life which might serve to illustrate it. There was something in that character so peculiar and striking, and the just admiration which his virtues commanded was such, that to expatiate upon them in any detail is as unnecessary as, upon this occasion, it would be improper. That he has been much lamented and generally, cannot be wondered at, for surely there never was a more just occasion of public sorrow. To lose such a man!—at such a time!—so unexpectedly! The particular stage of his life, too, in which we lost him, must add to every feeling of regret, and make the disappointment more severe and poignant to all thinking minds. Had he fallen at an earlier period, the public, to whom he could then (comparatively speaking, at least) be but little known, would rather have compassionated and condoled with the feelings of his friends and relations, than have been themselves very severely afflicted by the loss. It would have been suggested, and even we who were the most partial would have admitted, that the expectations raised by the dawn are not always realized in the meridian of life. If the fatal event had been postponed, the calamity might have been alleviated by the consideration, that mankind could not have looked forward for any length of time to the exercises of his virtues and talents. But he was snatched away at a moment when society might have been expected to be long benefited by his benevolence, his energy, and his wisdom; when we had obtained a full certainty that the progress of his life would be more than answerable to the brightest hopes conceived from its outset; and when it might have been reasonably hoped, that, after having accomplished all the good of which it was capable, he would have descended not immaturely into the tomb. He had, on the one hand, lived long enough to have his character fully confirmed and established; while, on the other, what remained of life seemed, according to all human expectations, to afford ample space and scope for the exercise of the virtues of which that character was composed. The tree was old enough to enable us to ascertain the quality of the fruit which it would bear, and, at the same time, young enough to promise many years of produce.

"The high rank and splendid fortune of the great man of whom I am speaking, though not circumstances which in themselves either can or ought to conciliate the regard and esteem of rational minds, are yet in so far considerable, as an elevated situation, by making him who is so placed in it more powerful and conspicuous, causes his virtues or vices to be more useful or injurious to society. In this case, the rank and wealth of the person are to be attended to in another and a very different point of view. To appreciate his merits justly, we must consider not only the advantages, but the disadvantages, connected with such circumstances. The dangers attending prosperity in general, and high situations in particular—the corrupting influence of flattery, to which men in such situations are more peculiarly exposed, have been the theme of moralists in all ages, and in all nations; but how are these dangers increased with respect to him who succeeds in his childhood to the first rank and fortune in a kingdom such as this, and who, having lost his parents, is never approached by any being who is not represented to him as in some degree his inferior! Unless blessed with a heart uncommonly susceptible and disposed to virtue, how should he, who had scarce ever seen an equal, have a common feeling and a just sympathy for the rest of mankind, who seem to have been formed rather *for* him, and as instruments of his gratification, than together *with* him, for the general purposes of nature? Justly has the Roman satirist remarked,

> ' Rarus enim fermè sensus communis in illâ
> Fortunâ.'

This was precisely the case of the Duke of Bedford; nor do I know that his education was perfectly exempt from the defects usually belonging to such situations; but virtue found her own way, and on the very side where the danger was the greatest was her triumph most complete. From the blame of selfishness no man was ever so eminently free. No man put his own gratification so low, that of others so high, in his estimation. To contribute to the welfare of his fellow-citizens, and by his example and his beneficence to render them better, wiser, and happier, was the constant pursuit of his life. He truly loved the public; but not only the public, according to the usual acceptation of the word—not merely the body corporate (if I may so express myself) which bears that name—but Man in his individual capacity; all who came within his notice and deserved his protection, were objects of his generous concern. From his station, the sphere of his acquaintance was larger than that of most other men; yet, in this extended circle, few, very few, could be counted to whom he had not found some occasion to be serviceable. To be useful, whether to the public at large, whether to his relations and nearer friends, or even to any individual of his species, was the ruling passion of his life.

" He died, it is true, in a state of celibacy; but if they may be called a man's children whose concerns are as dear to him as his own—to protect whom from evil is the daily object of his care—to promote whose welfare he exerts every faculty of which he is possessed; if such, I say, are to be esteemed our children, no man had ever a more numerous family than the Duke of Bedford.

" Private friendships are not, I own, a fit topic for this House, or any public assembly; but it is difficult for any one who had the honour and happiness to be his friend, not to advert (when speaking of such a man) to his conduct and behaviour in that interesting character. In his friendship, not only was he disinterested and sincere, but in him were to be found united all the characteristic excellences which have ever distinguished the men most renowned for that most amiable of all virtues. Some are warm, but volatile and inconstant; he was warm too, but steady and unchangeable. Never once was he known to violate any of the duties of that sacred relation. Where his attachment was placed there it remained, or rather there it grew; for it may be more truly said of this man than of any other that ever existed, that if he loved you at the beginning of the year, and you did nothing to forfeit his esteem, he would love you still more at the end of it. Such was the uniformly progressive state of his affections, no less than of his virtue and wisdom.

" It has happened to many, and he was certainly one of the number, to grow wiser as they advanced in years. Some have even improved in virtue; but it has generally been in that class of virtues only which consists in resisting the allurements of vice; and too often have these advantages been counterbalanced by the loss, or at least the diminution, of that openness of heart, that warmth of feeling, that readiness of sympathy, that generosity of spirit, which have been reckoned among the characteristic attributes of youth. In his case it was far otherwise; endued by nature with an unexampled firmness of character, he could bring his mind to a more complete state of discipline than any man I ever knew. But he had, at the same time, such a comprehensive and just view of all moral questions, that he well knew to distinguish between those inclinations which, if indulged, must be pernicious, and the feelings which, if cultivated, might prove beneficial to mankind. All bad propensities, therefore, if any such he had, he completely conquered and suppressed; while, on the other hand, no man ever studied the trade by which he was to get his bread; the profession by which he hoped to rise to wealth and honour; nor even the higher arts of poetry or eloquence, in pursuit of a fancied immortality, with more zeal and ardour than this excellent person cultivated the noble art of doing good to his fellow-creatures. In this pursuit, above all others, diligence is sure of success, and accordingly it would be difficult to find an example of any other man to whom so many individuals are indebted for happiness or comfort, or to whom the public at large owe more essential obligation.

" So far was he from slackening or growing cold in these generous pursuits, that the only danger was, lest, notwithstanding his admirable good sense, and that remarkable soberness of character which distinguished him, his munificence might, if he had lived, have engaged him in expenses to which even his princely fortune would have been found inadequate. Thus, the only circumstance like a failing in this great character was, that, while indulging his darling passion for making himself useful to others, he might be too regardless of future consequences to himself and to his family. The love of utility was indeed his darling, his ruling passion. Even in his recreations, (and he was by no means naturally averse to such as were suitable to his station in life), no less than in his graver hours, he so much loved to keep this grand object in view, that he seemed, by degrees, to grow weary of every amusement which was not in some degree connected with it. Agriculture he judged rightly to be the most useful of all sciences, and, more particularly in the present state of affairs, he conceived it to be the department in which his services to his country might be most beneficial. To agriculture, therefore, he principally applied himself; nor can it be doubted, but, with his great capacity, activity, and energy, he must have attained his object, and made himself eminently useful in that most important branch of political economy. Of the particular degree of his merit in this respect, how much the public is already indebted to him; how much benefit it may still expect to derive from the effects of his unwearied diligence and splendid example, many members of this House can form a much more accurate judgment than I can pretend to. But of his motive to these exertions I am competent to judge, and can affirm, without a doubt, that it was the same which actuated him throughout —an ardent desire to employ his faculties in the way, whatever it might be, in which he could most contribute to the good of his country and the general interests of mankind.

"With regard to his politics (I feel a great unwillingness to be wholly silent on the subject) and, at the same time, much difficulty in treating it with propriety, when I consider to whom I am addressing myself. I am sensible that those principles upon which, in any other place, I should not hesitate to pronounce an unqualified eulogium, may be thought by some, perhaps by the majority of this House, rather to stand in need of apology and exculpation, than to form a proper subject for panegyric. But, even in this view, I may be allowed to offer a few words in favour of my departed friend. I believe few, if any of us, are so infatuated with the extreme notions of philosophy as not to feel a partial veneration for the principles, some leaning even to the prejudices of the ancestors, especially if they were of any note, from whom we are respectively descended. Such biasses are always, as I suspect, favourable to the cause of patriotism and public virtue. I am sure, at least, that in Athens and Rome they were so considered. No man had ever less of family pride, in the bad sense, than the Duke of Bedford; but he had a great and just respect for his ancestors. Now if, upon the principle to which I have alluded, it was in Rome thought excusable in one of the Claudii to have, in conformity with the general manners of their race, something too much of an aristocratical pride and haughtiness, surely in this country it is not unpardonable in a Russell to be zealously attached to the rights of the subject, and peculiarly tenacious of the popular parts of the constitution. It is excusable, at least, in one who numbers among his ancestors the great Earl of Bedford, the patron of Pym, and the friend of Hampden, to be an enthusiastic lover of liberty; nor is it to be wondered at, if a descendant of Lord Russell should feel more than common horror for arbitrary power, and a quick, perhaps even a jealous discernment of any approach or tendency in the system of government to that dreaded evil. But whatever may be our differences in regard to principles, I trust there is no member of this House who is not liberal enough to do justice to upright conduct, even in a political adversary. Whatever, therefore, may be thought of those principles to which I have alluded, the political conduct of my much lamented friend must be allowed by all to have been man , consistent, and sincere.

"It now remains for me to touch upon the last melancholy scene in which this excellent man was to be exhibited; and to all those who admire his character, let it be some consolation that his death was in every respect conformable to his life. I have already noticed, that prosperity could not corrupt him. He had now to undergo a trial of an opposite nature. But in every instance he was alike true to his character; and in moments of extreme bodily pain and approaching dissolution, when it might be expected that a man's every feeling would be concentrated in his personal sufferings; his every thought occupied by the awful event impending—even in these moments, he put by all selfish considerations; kindness to his friends was the sentiment still uppermost in his mind; and he employed himself, to the last hour of his life, in making the most considerate arrangements for the happiness and comfort of those who were to survive him. While in the enjoyment of prosperity he had learned and practised all those milder virtues which adversity alone is supposed capable of teaching; and, in the hour of pain and approaching death, he had that calmness and serenity which are thought to belong exclusively to health of body and a mind at ease.

"If I have taken an unusual, and possibly an irregular, course upon this extraordinary occasion, I am confident the House will pardon me. They will forgive something, no doubt, to the warmth of private friendship; to sentiments of gratitude, which I must feel, and, whenever I have an opportunity, must express to the latest hour of my life. But the consideration of public utility, to which I have so much adverted as the ruling principle in the mind of my friend, will weigh far more with them. They will, in their wisdom, acknowledge that, to celebrate and perpetuate the memory of great and meritorious individuals, is in effect an essential service to the community. It was not, therefore, for the purpose of performing the pious office of friendship, by fondly strewing flowers upon his tomb, that I have drawn your attention to the character of the Duke of Bedford: the motive that actuates me is one more suitable to what were his views. It is that this great character may be strongly impressed upon the minds of all who hear me—that they may see it—that they may feel it—that they may discourse of it in their domestic circles—that they may speak of it to their children, and hold it up to the imitation of posterity. If he could now be sensible to what passes here below—sure I am that nothing could give him so much satisfaction as to find that we are endeavouring to make his memory an example, as he took care his life should be useful to mankind.

"I will conclude with applying to the present occasion a beautiful passage from the speech of a very young orator.* It may be thought, perhaps, to savour too much of the sanguine views of youth to stand the test of a rigid philosophical inquiry; but it is at least cheering and consolatory, and that in this instance it may be exemplified, is, I am confident, the sincere wish of every man who hears me. 'Crime,' says he, 'is a curse only to the period in which it is successful; but virtue, whether fortunate or otherwise, blesses not only its own age, but remotest posterity, and is as beneficial by its example as by its immediate effects.'"

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* Essay on the Progressive Improvements of Mankind; an oration delivered in the Chapel of Trinity College, Cambridge, December 17, 1798, by the Honourable William Lamb, now Viscount Melbourne.

Mr. Fox then moved, "That Mr. Speaker do issue his warrant to the Clerk of the Crown, to make out a new writ, for the electing of a burgess to serve in this present Parliament, for the borough of Tavistock, in the county of Devon, in the room of the Right Hon. John Russell, commonly called Lord John Russell, now Duke of Bedford, called up to the House of Peers."

ARREARS OF THE CIVIL LIST.

On the 15th of February, 1802, a message from the King informed the House of Commons that a considerable debt on the civil list had been unavoidably incurred: on the following day the accounts were presented, and, on the motion of Mr. Addington, the Chancellor of the Exchequer, referred to a committee for examination.

March 29. The report of the committee having been brought up, the Chancellor of the Exchequer moved, in a committee of supply, "That it is the opinion of this committee that a sum not exceeding nine hundred and ninety thousand and fifty-three pounds be granted to his Majesty to discharge the arrears and debts due and owing upon the civil list, on the 5th of January, 1802,"

Mr. Fox rose and said:—"Sir, there is no man in this House who is less disposed than I am at any time to find fault with such measures as may be conducive to the comfort, the splendour, and the dignity of every branch of the royal family; and particularly with what may tend to the ease and happiness of the chief magistrate of the state, as far as I can reconcile such proceedings to the duty I owe to my own constituents in particular, and the general interests of the country. If it could be supposed that humour or temper were to govern any part of this discussion, the present is a moment in which I could have little disposition to indulge them. I have not been more than about four hours in town; and, since leaving my carriage, I have heard of two articles of news, than which I know of nothing of a public nature that could be more grateful to my feelings. The first is that in which every man, wishing well to his country, must rejoice,—I mean the conclusion of the definitive treaty of peace with France; and the second, that it is the intention of the Minister to move for the repeal of the income-tax,—a tax the most oppressive, pernicious, and vexatious, that ever was imposed in any country;

and tending more than any other to subvert that respect in which a good government ought always to be held by the people, and without which there can be very little security for its subsisting for any length of time. This, however, is a subject which is by no means connected with good or ill humour, and is solely dependent on what is consistent with our attachment to the Throne, a proper view to the laws of the land, and the sacred principles of the British constitution. However I may have been instructed or entertained by the right honourable gentleman, in the history he has given us of the civil list during the last century, I do not conceive it to have been precisely in point, or to bear strongly on the present question. My ideas upon that subject differ vastly from those which have been brought forward in this committee ; nor can I conceive how anything respecting the revenues of the Crown, previously to the Revolution, has more analogy to the present civil list than what may be drawn from the remotest antiquity. The revenue of the Crown before the event alluded to, compared with the present civil list, was as gold to silver. The King certainly possessed an immense revenue in former times, totally independent of Parliament : but for this revenue what had he to do? He was to raise and maintain fleets and armies in times of war, as well as in those of peace. It was no private income of his own, as an individual, but a trust from the public. It is very true, that such revenue was not adequate to meet extraordinary occasions ; and though the Monarch was bound, at his own cost, to defend the country, and maintain the expenses of wars, as well as of the civil government, in cases of necessity he applied to Parliament for assistance. Whether that mode was preferable to that which has been since adopted, is a question not worth discussing at this moment ; but I am free to confess, that I am a strong advocate in favour of the modern system. Now, however, that the House and the country provide for all the expenses (and God knows they have been severe enough lately !) of our fleets and armies, the revenues allotted to the Crown must necessarily be at the disposition, and subject to the control of Parliament. It would be a strange and absurd doctrine indeed, to maintain that the public should take upon itself all the expense, and leave the revenue precisely as it was before : such a doctrine is too monstrous to have met with any support even in the worst of times. Fortunately for us, some of our Kings have been too improvident, by which they outran their incomes.

"In treating of this question I do not wish to be severe ; but I understand that so much stress has lately been laid on the claims which some persons suppose the Crown ought still to have upon a part at least, if not the whole of the old hereditary revenue, that I cannot withhold expressing briefly my opinion on that subject. Were we now to allow the hereditary revenue to be the same as it was in former times, surely no gentleman could possibly say that it should be applied to the purposes of the civil list only. I admit that the revenue of James the Second was two millions annually ; but I believe no one will venture to assert that it was granted only for civil-list purposes. From the time, however, that Parliament exonerated the Crown (for that is the fact) from the expense of levying and supporting fleets and armies, from that moment the hereditary revenue became the property of the public. It was so understood and so expressed on the election of William the Third. He could hold no hereditary revenue *jure coronæ*, for he was not the heir to the Crown when he succeeded James the Second. I am aware that a great misunderstanding prevailed upon this subject, and perhaps continues to prevail; but we are not now infected with the superstitious notions imbibed by some persons of that day. We know that William the Third ascended the throne, not by right, but by the choice and election of the people, and therefore had no rights *jure coronæ*, nor any other rights but such as had been covenanted. So of George the Third. He is not the heir of James the Second, but of William the Third; nor has he any right to this hereditary revenue, unless we go back to the ancient and absolute rights of prescription. What did the Parliament of William the Third do? Instead of the hereditary revenues, they appropriated others for the civil list, to the amount of seven hundred thousand pounds a year; and should they exceed that sum, the surplus was to be at the disposal of Parliament. From the sum of seven hundred thousand pounds they deducted three hundred and seventy thousand pounds for public services; decreed that the Crown revenues should be under their own control; and came to what I consider to have been a wise and salutary resolution, of granting it to him for life. The same practice has since been uniformly adopted at the commencement of every reign. I know perfectly well that there has been much difference of opinion on the question, whether it would not be better to make these grants of annual revenue from time to time. This doubt so far operated in the Parliament of King William, that the provision was at first made temporary, but it was afterwards thought expedient that the provision should be for life. The same line of conduct was pursued on the accession of Queen Anne, and has been followed up in all the succeeding reigns. The right honourable gentleman has anticipated the answer which might be given to some parts of his statement. I know that it has been a mistake made, not by lawyers or other well-informed persons, but by courtiers, that the hereditary revenue formed only a part of the revenue of the Crown. From general recollection also (for I have not lately had much access to the Journals) I think that in the reign of Queen Anne an application was made to Parliament in aid of the civil list, at a time when eight hundred thousand pounds had been expended, though the grant was no more than seven hundred thousand pounds. Great stress has been laid on the expenses his Majesty has been put to in consequence of his family: but let it be remembered, that there were equal incumbrances in the reign of George the First; that in the reign of George the Second annuities to the Duke of Cumberland, the Princess Amelia, and the Dowager Princess of Wales, were charged upon the civil list to the amount of one hundred thousand pounds, which, out of the grant of seven hundred thousand pounds, left only six hundred thousand pounds of actual revenue. It is true, that in that reign there were three applications to

Parliament for relieving the civil list; but I believe, and think I may say with some confidence, that the relief was effected by a twopenny tax on all pensions and salaries, which was, in fact, a mode of making the civil list supply and make good its own defalcations, without any additional burthens on the public. In the same reign there was a successful application to Parliament at one particular period; but, if I mistake not, it was merely to make up the deficiency between the actual receipts of the revenue and eight hundred thousand pounds, which was about that time settled as the limit of the civil list. The right honourable gentleman has urged, that the civil list of his present Majesty had been loaded with annuities to the Princess Amelia, the Duke of Cumberland, &c.; but if these were liens on the civil list in the present, they were equally so in the reign of George the Second, who had also to pay one hundred thousand pounds a year to the then Prince of Wales. These annuities continued from 1745 to 1760; the remainder of the civil list of his present Majesty only for five; but George the Second had paid them for the space of fifteen years. I mention this principally because I do not esteem it altogether becoming in gentlemen to appear in this House, in the shape and manner of counsel, to depreciate the amount of the present revenues of the Crown.

"It is to be observed, that all those annuities which hung as incumbrances on the civil list of his present Majesty, ceased in the year 1786; that to the Duke of Cumberland expired in 1765; that to the Dowager Princess of Wales, in 1763; and that to the Princess Amelia, in 1786; so that, in fact, the whole of them ceased before the debt now brought forward began to accumulate. The proposition, so much boasted of, which was made in the beginning of the present reign, would have been a good one, if properly followed up. By that proposal the King relinquished nothing, because, constitutionally, he had nothing to give up in point of right, there being no right in existence. All that was done may more properly be considered in the way of an exchange. His Majesty, indeed, had a right to expect that Parliament would make the same allowance to him that they did to his ancestors; but when a civil list of eight hundred thousand pounds a year was granted to his grandfather, it was implied that the excess, which was never very considerable, should be subject to the control of Parliament, and that he should possess no more income from the revenues of this country than what the Parliament thought proper to allow him. The right honourable gentleman, in tracing the history of the civil list through the course of the present reign, might have called to mind, that it was settled under an Administration composed of persons who were considered as his Majesty's peculiar favourites. The Duke of Newcastle was then Prime Minister, and Lord Bute and the late Lord Chatham, Secretaries of State. The right honourable gentleman seems to think the provision was less than it ought to be; but let me ask, is it to be believed that such an Administration would ever have thought of proposing an inadequate revenue? But supposing they had done so, yet we must recollect, that the several annuities already mentioned were then so many incumbrances on the civil list; and yet we find that the debts it incurred in the first nine years amounted to no more than five hundred thousand pounds. Though I was at that time a member of this House, I remember little of the discussion, and do not recollect that I was even present at the debate; but I recollect reading some pamphlets at that time published on the subject: one of these was written by a gentleman whose pursuits have since taken a more serious and holy turn—I mean Dr. Tucker, Dean of Gloucester, who treated the matter in a very facetious and good-humoured manner. In offering an apology for the proceedings, he said, that it was no extraordinary thing if a very young man, just come to his estate, and consequently not so prudent and economical as experience might in time teach him to be, and who had lately incurred the expenses of matrimony, enhanced by fêtes, a coronation, installation, &c.—it was no very extraordinary thing if such a man, possessed of eight hundred thousand pounds annually, should in nine years contract a debt of five hundred thousand pounds. The debt first incurred was at the rate of fifty thousand pounds a year beyond the income allotted. Parliament, it is true, consented to pay it; but, by doing so, acted, in the opinion of many persons, rather rashly. In the year 1777, the Ministers came again with another demand; and it appeared that the debt had increased more within the eight years between 1769 and 1777, than it had done in the former nine years. The demand I now refer to was for the sum of six hundred thousand pounds; and though Ministers were successful, yet the minority, which condemned the payment of the sum, was by no means insignificant in point of numbers, but still less so in respect to character and talents, as the committee will acknowledge when I enumerate among them Sir George Savile, Mr. Burke, Lord Sydney, &c. I have frequently had occasion to be convinced, that the more Parliament agrees to act (what, in the vulgar phrase, is called) handsomely by the Monarch on the throne in pecuniary affairs, the worse effect is sure to flow from it; and I always feel great pleasure in recollecting the speech which the then Speaker of the House of Commons, Sir Fletcher Norton, made upon that occasion to his Majesty at the bar of the House of Lords, May 7, 1777. That intrepid and public-spirited man told the King, that 'in a time of public distress, full of difficulty and danger, their constituents labouring under burdens almost too heavy to be borne, your faithful Commons have not only granted to your Majesty a large present supply, but also a very great additional revenue; great, beyond example; great, beyond your Majesty's highest expense; all this they have done in a well-grounded confidence that you will apply wisely, what they have granted liberally.'* But if Sir Fletcher Norton spoke thus of the distress and burdens of the country in 1777, what character can be given to those of the present day?

"It reminds me, Sir, of the observation of Florus, who, living at a period when the Roman empire was so infinitely extended, reflects with surprise, that his ancestors allowed a triumph for victories over the Volsci; and, in the same manner, when we look back to the year 1777, when the public burdens were then spoken of as so grievous, and when we view the infinite accumulation of taxes since that period, we are tempted to compare it to the observation of Florus on the triumphs of the Romans over the Volsci, or some other petty tribes. The speech of Sir Fletcher Norton, notwithstanding the clamours of courtiers, was approved. Although court sycophancy has of late increased to a degree that must disgust every generous mind, although servility has made such rapid strides as, to every philosophic observer, evidently tends to the utter destruction of the constitution, yet we cannot forget the subserviency and sycophancy of former periods. Notwithstanding the resentment of the courtiers at the manly and spirited language of the Speaker, it was finally carried, on a motion brought forward by myself, to thank Sir Fletcher for his general conduct in the chair, and particularly for the speech in question. This speech was made by a man of eminent qualities, eminent too in having filled the chair, a situation which of itself makes a man respectable; and within five years, during the Administration of the Marquis of Rockingham, (a period when peerages were more sparingly granted than in the times that have succeeded), Sir Fletcher Norton was one of four persons who were honoured with that dignity. About this period, Mr. Burke, a man of the greatest abilites, of the most eminent services, a man for whom, notwithstanding latter differences, I have always retained the greatest veneration, brought forward a bill, the principle of which was, that the debts of the civil list were criminal; that when Parliament had settled what the expenditure should be, any excess was disobedience; that it was the duty of the King's Ministers to square the expense of the civil list by what Parliament had fixed, not the business of Parliament to keep pace with the extravagance of the King's Ministers. Such, unquestionably, was the spirit of Mr. Burke's bill, and that bill clearly lays down that such a mode of payment shall be adopted that the salary of the highest class shall not be paid till that of the class immediately below is paid. I know that in the courts below an act must explain itself; but here we may reason upon the spirit and intent of the legislature; and indeed I cannot perceive that the act is so loosely worded as the right honourable gentleman argues; far less can I admit the position, that the violation of it being never complained of in this House constitutes an argument that none has ever taken place. If omission or silence were to be construed into acquiescence and approbation, not a principle of the constitution would remain entire, nor an abuse at one time or other without justification. So much was Mr. Burke convinced that his bill would produce the effect I have mentioned, that he boasted, as one of the advantages of it, that henceforth no arrear in the civil list could ever take place.

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* *Vide* Parl. Hist. vol. xix. p. 213.

" But, if Mr. Burke's bill has not produced all the good he intended, what are we to do in regard to the arrear that has accumulated? I adhere to the practice of our ancestors, and to the principles on which they fixed the civil list, as a measure essential to the existence of the monarchy. But why, as a friend to the monarchy, do I conceive that we ought not to acquiesce in the payment of this arrear? It is because it is essential to the monarchy that the King should, by a fixed revenue, be enabled to pay his civil-list expenses, independent of Parliament. If, however, we find that four times in this reign the debts of the civil list have been brought to Parliament, the King actually becomes dependent on Parliament to that extent. What is the nature of the civil list? Nobody imagines that every year the expenses will be exactly the same. It is sufficient that, on the whole, the funds shall be sufficient to meet what is allowed to be an ample establishment. Till 1793 there was no excess; since that period the arrear has accrued. What are we to infer from this? Is it that a peace civil list will not do for a state of war? When the civil list of King William was fixed, was there not the prospect of wars? In three cases out of five the civil list since that period has been voted in time of actual war.

"It is said, that it is necessary to maintain the splendour of the monarchy; and certainly I approve of that splendour, nor do I think his Majesty has ever carried it to excess; but, surely, if it were for urgent reasons at any time to be abridged, it would be reduced with most grace when war calls upon the public in general to submit to such galling sacrifices. I contend, therefore, that the civil list should be voted for life, and that the quantum fixed by Parliament ought not to be exceeded. Variations in the expenses from year to year must have been foreseen, but any excess ought to be compensated by a future saving. If an arrear is incurred, Ministers should restrict the expenditure till it is paid off. Nay, reformations and reductions, if necessary, should be adopted, to prevent an accumulation of debt, and to create a sort of sinking fund for its extinction. Parliament having settled what the civil list should be, Ministers are guilty of usurping the legislative authority in extending the actual amount beyond the sum fixed. If it is thought improper to adopt reforms, or to suspend or abolish places, to prevent the increase of debt, Parliament ought to be consulted on the emergency. There is no excuse for accumulations. Experience shows that they must ultimately come before Parliament. Why, therefore, is the certain accumulation permitted? With what face can Ministers come down to Parliament and say, 'You fixed the annual expense of the civil list at nine hundred thousand pounds, but we have actually spent nine hundred and fifty thousand pounds; you made one law, we have acted on another: you must obey us; it is not for us to obey you?' Observe, too, the time when Ministers discover that the war added so much to the expense of the civil list. They announce the effect when the cause has ceased. They were afraid to tell us formerly that the war added so much to every expense of life, because the confession might have rendered the war unpopular, and have interfered with their plans.

"Besides, Ministers do not consider the aids the civil list has received. Mr. Burke's bill, by abolishing places to the extent of thirty thousand pounds a-year, actually increased it to that amount. It is to be considered, too, that no small part of the civil list consists of fixed salaries, such as the great officers of state, which have not been increased since the days of Charles the Second. The source of increase, owing to temporary causes, must apply only to the tradesmen's bills; and if any part were at all to be paid off, this would be the branch of arrear I could be induced to give my consent that Parliament should discharge. We have seen the repeated interference of Parliament only produce new demands upon it. We are told, however, that there has been no prodigality, no corruption. But, have we all the items before us? Do we know the expense of the office of third secretary of state?—a measure which, pernicious in a financial view, is still more so as a question of constitution. On the present occasion, the length of the late administration has one advantage, (an advantage, however, which, in my opinion, is far from counterbalancing other evils), that we know exactly to whom the arrear is imputable. When these Ministers saw the growing arrears of the civil list, did they make any effort to relieve a fund already overloaded? No, they established a new office of third secretary of state. This is but one item. Many of the occasional expenses seem unjustifiable. At the time of the Russian armament, Ministers, finding it necessary to yield to the opposition they experienced in this House, aided by the public voice without, were obliged to drop the ground of quarrel with the Empress. At that time, though we had Lord Whitworth at Petersburgh, a person fully equal to the station in which he was placed, Ministers thought proper to send Mr. Fawkener, of whom from more intimate knowledge I can speak more confidently. Mr. Fawkener, a man of the greatest abilities, and fit to be employed in any business, however delicate and important, was sent to Petersburgh to do that which our Minister there could surely have done; that is, intimate that we gave up to the Empress every thing she wished respecting Oczakow. Lately too, Mr. G. Grenville, a gentleman for whom I entertain the greatest personal respect, was sent to Berlin, though we had at that court a minister, who, it is to be presumed, was adequate to the duty of the office in which he was employed. Last year, though we had a minister at Copenhagen, Lord Whitworth was sent to Copenhagen to do for another what Mr. Fawkener had done for him at Petersburgh; and his being sent on that occasion showed that he was thought qualified for more important business, if necessary, than that in which Mr. Fawkener superseded him, and which was merely to make a civil bow to the Empress, and announce that we had dropped all opposition to her views. All these occasional expenses, therefore, seem to have been incurred without any sufficient reason.

"Neither can I see that any addition to the establishment of secretaries of state was necessary. Formerly all the business of America and the West Indies belonged to the office of the secretary for the southern department; and Lord Chatham, a personage undoubtedly of the greatest talents, but labouring under the interruptions of bad health, not only performed all the duty of those offices, but united with them the conduct of a war, which at least vied in glory and success with that conducted by Mr. Dundas. The office of third secretary, which had been established with such fatal effects to the empire, was abolished by Mr. Burke's bill, and it was not till 1794 that it was revived; and though two of the secretaries of state, holding different offices, resolved to accept no salaries but for one of the places, it was so arranged that those personages took their emoluments out of funds immediately affecting the public, and in such a way as to relieve the civil list to the extent of eight thousand pounds a year. Yet all the inferior expenses of the new secretary's office were added to the civil list. This, I dare say, has produced since 1794 an expense not under seventy thousand pounds. I conceive that the establishment of the new office was altogether unnecessary; but, even had it been wanted, Ministers should have considered their means of paying the expenses of the old establishment before adding to them those of the new. The civil list (to personify it) should have reasoned like an individual, 'I wish for this or the other thing, but can I pay for it?' Thus the civil list; 'I wish to have a new secretary of state.' 'But have you the means to pay for him?'—'No; but the House of Commons will pay cheerfully. I have good friends there.'—'But ask your friends first.'—'O, no; it is not necessary; I can use freedom; I know my friends very well; they will be quite delighted with the opportunity. They have brothers and cousins to provide for. Never fear; let the expense be incurred. Say nothing about the matter at present; the House of Commons will pay the money, and ask no questions.' Thus, without the least necessity, and amid increasing debts, new modes of expense are employed without decency, and sanctioned without a murmur.

"My opinion, then, is, that we ought to reject the motion, and address his Majesty that he would be graciously pleased to confine the expenses of the civil list within nine hundred thousand pounds, and establish such savings and reforms as will create a sinking fund to pay off the debt contracted by the misconduct of his Ministers. And here let me, in illustration, allude to the case of the Prince of Wales. We have been told, that the expenses of living are increased to such a degree that the funds of the civil list are no longer adequate to their former objects. But surely the expenses of the Prince of Wales must be still more dependent on the increase of prices, and the charges on the mode of living? The Prince of Wales having, in the first outset of life, exceeded his allowance, has been restricted to sixty thousand pounds a year. But did Parliament in his case consider the change in the value of money, and in the price of living, by which the Prince of Wales must be so much affected? The Prince of Wales, in 1787, having declared that his allowance, as then fixed, was sufficient, I conceived that he ought to adhere to that declaration, and that a reservation of his new establishment should be made for the payment of his debts. But has not the Crown, by conferring marks of honour on Sir Fletcher Norton, and more recently by the message in 1786, declared that the sum of nine hundred thousand pounds was sufficient? for the civil list ought to be no less bound to adhere to that engagement than a young man just entering into life. But, if it is proper to maintain the splendour of the monarchy, the same argument holds good in the case of the heir apparent. Parliament, however, thought it right for a season to abridge the splendour of the Prince of Wales's establishment, in order to supply a fund for the extinction of his debts; and the same principle ought now to be acted upon. If this be not adopted, at any rate only the tradesmen's bills should now be paid; but the occasional payments, and other branches of debt, should be treated agreeably to the spirit of Mr. Burke's Act. I hope that peace will put an end to that species of misrepresentation so prevalent of late years, that every man who opposes measures calculated to increase the influence of the Crown, and the power of a Minister, is an enemy to the monarchy itself. The influence of the Crown has increased so much, that a temporary reform in its means of expense could be attended with no abridgment of its authority. Formerly, the Crown had more to give with smaller burdens. Its influence now arises from the enormous naval and military establishments which the wars of Europe and our relations with other powers have produced. In these there is ample compensation for any suspension of inferior officers connected with the civil list. Mr. Justice Blackstone has been quoted; Mr. Justice Blackstone rather leaned to the principles most in fashion anterior to the Revolution; and yet this writer has the good sense and candour to admit, that it may be doubted whether the admirable arrangement in fixing the civil list has not compensated to the Crown for many of the prerogatives which it formerly used to exercise. I can truly affirm, that it is my wish to contribute every exertion of mine, by every legitimate means, to promote the happiness and glory of the Sovereign; but there is a duty I owe to my constituents and the country, not inferior to the respect I owe to the monarchy. I wish to address the Throne in language different from the language of servility. Courtiers may flatter kings, by telling them that Parliament will pay whatever they think proper to spend. A different language is more seasonable and more consonant to the principles which placed his Majesty on the throne. I would recommend this House to address his Majesty with due respect; to suggest to him that he ought to reject the insidious advice of his courtiers; that he should distrust the Ministers who mislead him into unnecessary expense; that it is his duty in all matters of finance to comply with the restrictions of Parliament; and that it will be for the dignity of his crown, and for the prosperity of his people, to quadrate his expenses by the rules which the wisdom of Parliament has prescribed."

Mr. Tierney moved as an amendment, that the chairman should leave the chair, report progress, and ask leave to sit again. On a division, the numbers were: for leaving the chair, 46; against, 228. The original motion was then put, when there appeared: Ayes, 226; Noes, 51. Majority, 175.

ADDRESS ON THE KING'S MESSAGE RELATIVE TO THE WAR WITH FRANCE.

1803. On the 8th of March, a message from the King to both Houses of Parliament announced that, as very considerable military preparations were carrying on in the ports of France and Holland, his Majesty had judged it expedient to adopt additional measures of precaution for the security of his dominions; and that, although the preparations to which his Majesty had referred were avowedly directed to colonial service, yet, as discussions of great importance were then subsisting between his Majesty and the French Government, the result of which must be uncertain, his Majesty was induced to make this communication in the full persuasion that, while partaking in his earnest and unvarying solicitude for the continuance of peace, he might rely with confidence on their enabling him to adopt such measures as circumstances might appear to require, for supporting the honour of his Crown and the essential interests of his subjects. On the following day a message was delivered, stating the necessity of assembling the militia; and on the 11th of March, ten thousand additional men were voted for the navy.

On the 16th of May, the Chancellor of the Exchequer presented the following message from his Majesty:—

"G. R.

"His Majesty thinks it proper to acquaint the House of Commons that the discussions which he announced to them in his message of the 8th of March last, as then subsisting between his Majesty and the French Government, have been terminated; that the conduct of the French Government has obliged his Majesty to recall his ambassador from Paris, and that the ambassador from the French republic has left London.

"His Majesty has given directions for laying before the House of Commons, with as little delay as possible, copies of such papers as will afford the fullest information to his Parliament at this important conjuncture.

"It is a consolation to his Majesty to reflect, that no endeavours have been wanting, on his part, to preserve to his subjects the blessings of peace; but, under the circumstances which have occurred to disappoint his just expectations, his Majesty relies with confidence on the zeal and public spirit of his faithful Commons, and on the exertions of his brave and loyal subjects, to support him in his determination to employ the power and resources of the nation, in opposing the spirit of ambition and encroachment which at present actuates the councils of France, in upholding the dignity of his Crown, and in asserting and maintaining the rights and interests of his people."*

On the 18th of May, the papers referred to in his Majesty's message of the 16th, were laid before the two Houses.† From these papers it appeared that a correspondence had been long maintained between the Ministers of France and Great Britain relative to certain differences and complaints on either side. The former inveighed against the abuse of the Chief Consul which emanated from the English newspapers, as well as from the French journals published in London; the residence, in this country, of the French princes and the adherents of the ancient government of France; and particularly against the retention of Malta and Alexandria by the English troops. On the part of this country there were numerous points of recrimination, such as the sending of spies, in the character of commercial agents, into the several ports where a descent might be most easily effected: the interference of the French Government with the affairs of Holland and Switzerland, whose independence had been guaranteed by them at the time of the conclusion of the treaty of peace; the annexations which had recently been made in various quarters to the territories of the French republic, but especially those in Italy: and complaint was particularly made of the report of Colonel Sebastiani to the First Consul, containing most unjustifiable insinuations and charges against the British army in Egypt, and General Stewart, the officer who commanded it, and disclosing views highly injurious to the interests of his Majesty's dominions, and directly repugnant to the spirit and letter of the treaty of Amiens.

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* See the Declaration of the British Government.—Parl. Hist. vol. xxxvi. p. 1377.

† See the papers relative to the discussions with France.—Parl. Hist. vol. xxxvi. p. 1259, *et seq.*

On the 23rd of May, Lord Hawkesbury moved, "That an humble address be presented to his Majesty to return his Majesty the thanks of this House for his most gracious message, and for the communication of the several papers which have been laid before them in obedience to his Majesty's commands. To assure his Majesty of the just sense we entertain of his Majesty's anxious and uniform endeavours to preserve to his people the blessings of peace, and of our perfect confidence in his Majesty's disposition to terminate the calamities of war, whenever that object can be accomplished consistently with the honour of his Majesty's Crown, and the interests of his people. That we have observed, with the strongest feelings of indignation, that his Majesty's endeavours have been frustrated by that restless spirit of ambition and domination by which the government of France have been led to advance pretensions the most extravagant and injurious, and to avow designs at once inconsistent with the obligations of good faith, and with the essential interests of the British Empire; and that for these indignities and provocations, his Majesty has in vain demanded satisfaction and redress. That, actuated by these sentiments, we feel that the trust reposed in us by a brave and loyal people, requires on our part a firm determination to co-operate with his Majesty in calling forth the resources of the United Kingdom, for the vigorous support of a cause in which are involved the dignity of his Majesty's Crown, the rights and liberties of his people, and all that is dear and valuable to us as a free and independent nation." The address was supported by Mr. Pitt, Lord Castlereagh, Mr. Wilberforce, and others. Mr. Grey acknowledged the necessity of resisting the spirit of encroachment shown by France; yet, with a view to leave an opening for accommodation, moved, as an amendment, to leave out from the first paragraph to the end of the address, in order to insert these words—" To assure his Majesty of our firm determination to co-operate with his Majesty in calling forth the resources of the United Kingdom for the vigorous prosecution of the war in which we are involved ; and to express to his Majesty the satisfaction with which his faithful Commons have received his Majesty's gracious declaration, that he is willing to afford, as far as may be consistent with his own honour, and the interests of his people, every facility to any just arrangement by which the blessings of peace may be restored to his loyal subjects." The debate was adjourned to the following day, when after the original address had been supported by Mr. Thomas Grenville, Mr. Dallas, General Maitland, Mr. W. Elliot, Mr. Serjeant Best, and Mr. Canning ; and the amendment by Mr. Whitbread,

Mr. Fox rose, and " assured the House of his unwillingness to ask for its attention, after the long and able discussion which the important subject before them had already received, after the fair and comprehensive manner in which his honourable friend (Mr. Grey) had brought forward his amendment to the address, and after that full investigation which it had met with from the several gentlemen who had spoken both on that and the preceding day, did he not feel it his absolute duty to the people of England, to endeavour at least, as well as he was able, to prevail on that House, by the timely interposition of its counsels, to rescue them, not only from a considerable danger, but from the certain misery which must be their doom in any event of war, even the most successful.

" He should first endeavour to clear the subject from the embarrassment into which it had been thrown by some of those who had supported the address, and particularly by a right honourable friend of his on the bench near him (Mr. T. Grenville), for so he would call him, notwithstanding any differences of political sentiments that might subsist between them, knowing that those differences produced as little alteration on that gentleman's private feelings as they did on his own. Among those differences he should class the opinion to which he was about to refer, and which had also received the support of a right honourable gentleman who had just spoken (Mr. Canning). To the course recommended by those gentlemen it was impossible for him to assent. It was their object to divide the question in debate into two parts, and to consider the justice and expediency of the war as totally separate from the conduct of the Ministers which had produced it. With regard to a question of war, it was, generally speaking, like any other question, extremely difficult to be distinguished from the measures by which it had been occasioned. In the case immediately before the House, the distinction for which those gentlemen contended, appeared more particularly inadmissible than in almost any other. Might not the justice of this war, for instance, rest entirely on the refusal of explanation where explanation had been demanded? on the refusal of redress where redress had been demanded? or on the refusal of satisfaction where satisfaction had been demanded? Was it not, therefore, in the very nature of the thing that the whole question, as to such refusal, might, nay to a certainty must, depend on the terms, the time, and the circumstances under which we had asked this explanation, this redress, or this satisfaction?

"Putting the case, however, of its being possible to admit that, without such previous inquiry, it could be fairly decided in that House whether a foreign power was right or wrong in its refusal of satisfaction, he called strongly on his right honourable friend on the bench near him, and on others who agreed with that gentleman in opinion, to say whether, considering the manner in which the address was expressed, they could with any consistency support it? In the language of that address it was affirmed, that his Majesty (which, of course, always meant to say his Ministers) had been 'anxious and uniform in his endeavours to preserve to his people the blessings of peace.' For himself, voting on this awful event, he could not conscientiously agree, that the efforts of his Majesty's advisers had been anxious and uniform to preserve peace. From a due examination of the materials before him, he could find no such anxiety or uniformity in their efforts. The very reverse might, in many instances, be inferred; without much further inquiry, therefore, he could not assent to any proposition which should affirm that fact. But if the gentlemen to whom he alluded thought differently from him on this point, (although he scarcely conceived it possible that they should), and if they were, indeed, ready to declare that the Ministers had been uniform in their efforts to preserve peace, would they be equally ready to applaud them for it? they, who had constantly condemned the object itself, and of course all efforts to obtain it. Were they ready, too, to thank the Ministers for the manner in which they had conducted the negotiation, if negotiation it could be called? Consistently with all their known ideas, those gentlemen certainly could not support the proposed address.

"His right honourable friend (Mr. T. Grenville), indeed, had said, that although he should vote for the address, there was not one word in the amendment in which he did not fully concur, and which he was not ready to vote without any qualification; but that in voting for the address, he expressly guarded himself against any approbation of the conduct of Ministers; and that it was for the sake of unanimity alone that he did not oppose the original motion. Now, when it was evident that neither his right honourable friend, nor any one of those who professed their intention of voting for the address, would venture to do so without qualifying his support of it, by stating that he did not mean to prejudge the question of the conduct of Ministers; when it was evident that the original address contained in it many sentiments, with which those with whom he (Mr. Fox) acted could not possibly concur; when not one sentiment or expression in the amendment called for the disapprobation of his right honourable friend, or any other individual of that House; and when the Ministers themselves were stated by the noble lord opposite (Lord Hawkesbury) not even to desire to obtain from the House any declaration of approval for what they had done; it struck him, that it was in the amendment, and not in the address, that the true view of the subject was contained, and that by voting for the amendment, unanimity, real unanimity, would be most effectually secured. For how stood the question upon this point? One right honourable gentleman under the gallery (Mr. Canning) was desirous of approving the terms of the address for one day; but it was for that one day only; for he had expressly given the House to understand, that there would be an end of his unanimity on the day following. He had already given notice of a motion for papers. The respite to Ministers, therefore, would probably not be very long. I have lately," said Mr. Fox, "been so much out of political life, that I am totally ignorant of the intrigues of parties in this House; but I now see before me a striking instance of the effect produced by the presence of a very eminent and powerful member, who has been unable for a long time to give us the benefit of his attendance. I am ready to acknowledge at all times the advantages to be derived to this House from the assistance of great and splendid abilities; but so much a friend am I to the freedom of debate, that I can hardly think even his presence sufficient to compensate for the loss which we sustain by the silence it imposes on certain honourable gentlemen, who at other times, and in his absence, are obliging enough to communicate their sentiments to us. But now they seem to say to each other, 'In his awful presence, let us abstain from attacking the Ministers; opportunity will soon offer itself; for though he is here to-day, he may be away to-morrow, and then—have at them!' Now, Sir, it certainly is an advantage to the debates of this House to learn in the course of them the sentiments of any eminent person. It is always a rational, and sometimes a profitable pleasure, to listen to superior eloquence; but when these advantages produce the inconvenience of silencing others, whether from the dread of his presence, the fear of losing his good opinion, or from any other cause, no matter what, I own I have doubts whether, on such terms and conditions, his presence or his absence be most desirable. The effect of his presence, indeed, is no less than an abridgment of the freedom of debate, by silencing those gentlemen who, on other occasions, stand sufficiently forward in our discussions; and who are so desirous of putting us in possession of all their sentiments, that when the question has been, whether the House should or should not adjourn from the Friday to the Monday, or whether any immaterial paper should or should not be laid before us, have never withheld their opinions, although now—such are the effects of a great man's presence—they are absolutely mute."

He then entered upon the consideration of the justice of the war. "The address pledged the House of Commons to its justice and necessity, for want of due satisfaction from the First Consul of France, without its having been shown in what points satisfaction had been demanded, and refused. To make out the want of satisfaction, it was necessary to consider how, and when, and under what circumstances, satisfaction had been demanded, and, above all, whether it had been actually refused. If all this was admitted to be necessary, it was not to be denied that a review of the conduct of Ministers became so too; consequently, that to separate the two questions of the justice of the war, and the conduct of Ministers, was impossible. Many points had been urged in the course of the debate, which could not be made out from the documents on the table; many points had been partially stated; others had been omitted, though material to the fair examination of the question; and in some instances, conclusions had been assumed, which did not logically follow from their premises: these circumstances had given impressions to his mind different from those of most of the gentlemen who had spoken before him. In all his reading on this subject, he had always found it admitted, that in disputes between states, a clear distinction was established between insults and injuries. He had uniformly understood that insult, by itself, was no ground whatever for hostility. It was not the insult that was the just ground of war, but the refusal of satisfaction for insult, after representation duly made and satisfaction demanded. This was, indeed, a true and just ground for war. It followed, therefore, that every insult was to be considered with reference to a demand and a refusal, and this only to a formal demand and a refusal. With regard to an injury actually sustained, the case was not exactly the same. The just and laudable course to follow, in the case of an injury sustained, was certainly first to demand redress; but it sometimes happened, that the injury was of such a nature as to be almost incapable of the redress immediadely applicable to it—of such a nature, that while a country was demanding reparation, it was losing the opportunity of obtaining it; in which case, and particularly if the redress happened to be in our own hands, it became fit to use the means which nature and fortune had placed within our reach.

"What he should first consider, therefore, was the conduct which France had held towards other states, so far as such conduct was to be presumed evidence of hostile designs against this country. Every act of injustice of this nature, which France had been guilty of since the Peace of Amiens, could not be fairly adduced, with reference to its effect upon ourselves, as constituting a just ground for war. 'I hope,' said Mr. Fox, 'that I shall not be thought to make unnecessarily nice distinctions, when I say, that some acts may be done by one country against another, which, although in the abstract highly unjust and injurious, are not nevertheless acts so directly tending to the injury of a third power, as to amount to a proof of hostile views against that third power, and therefore to call for its interference; neither is it necessary, on the other hand, that you should be bound by specific treaty to guarantee any particular state against the aggrandizement of its neighbour, in order to be entitled to interfere for its defence. Undoubtedly you may interfere to oppose such aggrandizement, upon the general principles of policy, which include prudence; and upon the first principle which governs states as well as individuals—the principle of self-defence. I go further, and say, that you are authorized by the rank you hold, and I trust you will continue to hold, in the scale of nations, to interfere and to prevent injustice and oppression by a great towards a smaller state, whenever it is offered. This I take to be a ground of just interference with foreign powers, regulated always by the prospect of success, and by that prudence which would abstain from any interference at all when it could only injure the party it was intended to serve. But these premises do not bring us to the conclusion which it seemed the object of the noble lord (Hawkesbury) to enforce in his speech yesterday, namely, 'that whenever any neighbouring power has attempted aggrandizement, and has accomplished her object, either by the operation of war, or by other means, such aggrandizement is necessarily to be taken as an act of malevolence towards ourselves; and that although we will not interfere to prevent the aggrandizement while it is going on, it may be fit to reserve the right of interfering until some other time, and then to bring forward a question upon it on the ground of its being a direct injury to ourselves.' Such a doctrine has never yet been insisted upon in any of the transactions which have taken place among the European powers. Among the various instances of the aggression of great states, in modern times, we have the two divisions of Poland, which, even in comparison with anything we have since seen, still retain a certain pre-eminence in profligacy. Can any man deny that, on the first division of Poland, France and England might have united to prevent that most atrocious act of injustice? Will any man say, that such an union, for such a purpose, would not have been laudable? or rather was it not the duty of these independent nations to unite upon the common principles of justice against the other three dividing and spoliating powers, and tell them, 'You are doing an act, dreadful in itself, most dangerous in its consequences, most pernicious in its precedent; and although neither of us has any treaty or connexion with Poland, we will prevent the division you are about to make of that kingdom.' No man will deny the justice of such an interference. But, on the other hand, if we had afterwards, upon some other point which had no connexion with this subject, gone to war with Russia, or Austria, or Prussia, would it not have been extravagant for us to have said, We never remonstrated against the partition of Poland, while the thing was doing, because at that time you had given us no direct cause of offence; but now that we have a quarrel with you, we shall insist on that act as evidence of your original malice against us?'

"It was under this view, therefore, that he now proposed to consider the general conduct of France towards other states since the treaty of Amiens. First, however, he should consider that treaty not in its detail, but in its principle. The principle on which he had supported that treaty, and on which many other members of Parliament had supported it, was not that the state of Europe, as arranged by its stipulations, was satisfactory — not that he had, at the time of making it, much reliance on the good faith, still less on the moderation of France, but upon a feeling that, under all the circumstances, it was better to take the opportunity which then offered of putting an end to the calamities of war. It was true that we did accept an imperfect security on concluding the treaty of Amiens. This was a truth which all men felt; but it was a truth by no means peculiar to that treaty; it had happened in many treaties before, and would happen again. Imperfect security was common to all engagements in almost every condition of society; and nothing short of a state of absolute perfection in all things, which none but a lunatic was extravagant enough to expect, would justify the hope of perfect security in a treaty. All that could rationally be looked forward to was probable security; that is to say, the security which arises from its being the interest of the other contracting party not to break their engagements. It was absurd to calculate upon more. If all nations were to be apprehensive that, unless they were perfectly secure, they enjoyed no security whatever, and fancying themselves, therefore, in danger, were to go to war in search of absolute security, he was afraid there would be but little peace in the world. If Great Britain had pursued this policy, the few intervals of peace she had had would never have taken place, and the last century would have presented one uninterrupted state of war; but we had from time to time, and, as he thought, prudently, been content to take probable security for the continuance of peace. This he took to have been the principle of the treaty in question. Did we therefore relinquish our right to interfere in the affairs of Holland? Certainly not: for, independently of general principles, there are express provisions to the contrary in the treaty. Did we relinquish our right to interfere in the affairs of Switzerland? Certainly not. Or in the affairs of Naples? or of Turkey? or in those of any other part of the globe? Certainly not. That treaty precluded us in no instance from acting upon the system which became a great and generous nation, or from taking any reasonable opportunity that offered for succouring the distresses of others, and protecting the smaller states.

"To apply, therefore, this general conduct of France since the treaty of Amiens, to the question of English grievances. Among the alleged aggressions of France much stress had been laid upon her conduct relative to the German indemnities. With respect to that subject he did not feel any greater degree of indignation towards the government of France than he felt towards all the other governments which were principals in that transaction. Every one of them had carried through that system in a manner which had most properly called forth the animadversions of the noble lord (Hawkesbury). He had himself always reprobated the system of indemnity and compensation. It was, and could be no other than a system of common rapine. To take indemnities from the territories of other states by any authority than that of the rightful possessors, was, in one word, robbery. On this point his opinion had been uniform. With regard, however, to this principle of compensation, it was to be recollected, that it had originated with the treaty of Luneville; it had then been agreed upon by the two belligerent powers, neither of whom would grant any compensation to the other out of its own territory or possessions. The burthen, therefore, was to fall upon the German states. The principle had been adopted with a view to a long continuance of the settlement under it; and France, surely, was not more to blame than other powers in agreeing to those terms, for the sake of putting an end to further litigation. Into the question of right he would not enter; but to complain that Austria was a loser by it, was saying very little. It was impossible it could have been otherwise. Austria must necessarily have been a loser, from the circumstances attending the treaty of Campo Formio, and the subsequent renewal of the war. It was useless to discuss who was to blame for that renewal; but no man who recollected the unsuccessful campaigns of Austria, and, on the other hand, the successful campaigns of Bonaparte, could doubt that she must be the loser. To say that she was so, therefore, was saying no more than that an unsuccessful party in a contest will be a loser by that contest. It was, however, a material part of this case of the indemnities, that Russia was joined with France to carry them through. Whatever blame, therefore, belonged to the transaction, must be shared equally between them.

"With respect to Piedmont, at the time of the treaty of Amiens it was, to all intents and purposes, a part of France: it constituted the 27th Military Arrondissement. It belonged to France as effectually as Gibraltar belongs to us. At the time of the civil annexation, which is all that has taken place since the treaty, and which is the present subject of complaint, the name only was changed. The different rulers of France, since the Revolution, have had the folly to change the names of everything, and instead of the 27th Military Arrondissement, Piedmont is now called the department of the Po. It was but giving two names to the same thing. Whether Piedmont ought to belong to France—whether it ought not to be restored to the King of Sardinia—were not questions for us to enter into at the present time. To all controversies of this sort there must be some given period: that period naturally would be the treaty. What passed on this subject between the two contracting parties at the preliminary treaty was to be compared with what had been assented to afterwards. Whatever had been stipulated for on the signature of the preliminaries, we had a right to insist upon; and whatever had been done contrary to those stipulations, it was our business to object to before the signature of the definitive treaty; but, after its signature, we had no right to complain of what had been done in the interim between the two. It was notorious, that at the conclusion of the treaty, Piedmont, although not called by the name of the department of the Po, was to all intents and purposes a province of France.

"The next question was the transaction respecting Switzerland; a transaction of a very different nature. The French government was bound by treaty, as well as by every principle of justice, to withdraw their troops from Switzerland, to leave that country to itself, even with the miserable government which they had established in it, and to respect its independence. During their dominion in that country they had formed a constitution there utterly repugnant to the principles, and odious to the feelings, of the people. The moment their troops were withdrawn, the people of Switzerland, by an insurrection founded on the truest principles of justice, rose and overturned that constitution. The French government interposed to restore it, and, bad as the system was, the manner of their interfering to restore it, was, if possible, worse. It has terminated, however, and so far the insurrection has been fortunate, in the establishment of a system rather more congenial with the popular sentiments, and appearing, at least, to possess some portion of freedom; since, in the democratic cantons, where the opposition to France first began, the people had very generally elected to their highest offices those who had been the most active in promoting it, and who had most helped to produce the subversion of the government which had been imposed upon them. This violent act of injustice on the part of France no man contemplated with more indignation than he did, but was it, after all, an act particularly and peculiarly directed against Great Britain? He hardly knew whether he dared to speak upon this subject, since there were so many persons, both in and out of that House, who, whenever the name of the First Consul was mentioned, thought that nothing too violent could be said against him, and that nothing he did, or ever could do, was fit to be endured. Was there, however, in this act of aggrandizement on the part of Bonaparte, any ingredient which made it appear that it was meant by him to operate against Great Britain? Will any man believe that his sending troops into Switzerland was only with the view of testifying his aversion to this country? It may be said, indeed, that it was so meant, because it was an act of aggrandizement on the part of France, and every such act must be done with a view of hurting Great Britain: this, however, was pushing the construction upon human action to an outrageous degree; to a degree in which it could be supported upon no sound principle. It might with equal justice be argued, that every improvement in the internal condition of France, whether in her agriculture, her manufactures, her commerce, or her revenues, is contributory to her aggrandizement, and therefore intentionally injurious to us. It might equally be said, that the improvements of Brest, of Boulogne, or of any other of her ports or harbours, are carried on, not merely for the interest of France, but with an immediate view to the prejudice of Great Britain. If this principle were true, we should be under the necessity of making war on France, and not only on France, but on every other power that attempted to better its condition by any means. What is worse, we could never make peace. France must be exterminated, were the principle true, that everything she does for the increase of her own strength is intended hostilely towards Great Britain. Upon the subject of Switzerland, however, what was there to have been done? Was it right to go to war about it? His answer would be, *primâ facie*, No! He would not say that circumstances might not have happened to justify our going to war; indeed he thought the acts of France against Switzerland would have been a sufficient justification for it, if policy had permitted; all he was then contending for was, that the conduct of France in this instance, oppressive and tyrannical as it was, could not be taken as an act of hostility against us. He owned that for himself he had always been most anxious that this country should avoid a war on account of Switzerland. Under the then peculiarly unfavourable circumstances of Europe, he had a thorough conviction that we could not make such a war with any effect. Even if those circumstances had been less unfavourable, he should have deprecated the war, although professedly for the purpose of assisting the struggles of that gallant people for their liberties. Even if we could have got Austria to join us, was it sure that that power, was it *quite* sure that we ourselves, would have had no other object in view than the restoration of Switzerland to her independence? Could such professions, on the part of Austria, be anything but rank hypocrisy? However good the cause, when that cause was to be only the pretence for war, and was put forward to conceal other purposes, he should be very little disposed to join in it. He could not, for this reason, attend much to the high language which was held about Switzerland; or to other topics which appeared to be introduced into the discussions, only to swell the catalogue of the crimes of France, and give a colour of popularity to the war. That Switzerland could not be one of the objects of the war, was proved by the very negotiation which had just been so unfortunately concluded. It appeared clearly from the correspondence, that if Lord Whitworth's lost *ultimatum* had been acceded to, poor Switzerland would have been forgotten and left to her fate!

"He then proceeded to what he called a still more serious case; he meant the intolerable injustice with which France had treated the republic of Holland. Their conduct in this respect was of a nature that called for the expression of his warmest reprobation. It was one of those acts to which, the stronger the words in which it should be described, the more applicable would they be to its guilt. It was an act to be equalled by nothing but those which prevailed in countries where a difference of colour seemed to have shut up the hearts of men, and extinguished every sentiment of compassion. 'Were I a master of the use of colours,' said Mr. Fox, 'and could paint with skill, I would take the darkest to delineate the conduct of France towards Holland. It certainly has been worse treated by her than any other country whatever. Holland has not only suffered all the unavoidable evils of war; but when peace came, to turn that country, in defiance of a positive treaty with her, into a *depôt* for French troops, for the mere purpose, I sincerely believe, of making the Dutch pay the expense of maintaining them, was an act no less despicable for its meanness than hateful for its atrocity.' Now, Holland had been spoken of by an honourable gentleman as if it were to be considered as a kind of outpost for France, by which she could more readily annoy Great Britain. How far that might be true, he (Mr. Fox), would not then discuss; but even those who pretended to the best knowledge of the dispositions and intentions of Bonaparte, would hardly say, that they believed the sending these troops to Holland had any reference whatever to Great Britain. For his part, he verily believed it was for the sole purpose of having them fed and clothed at the expense of Holland. It was a refinement in reasoning which he could not understand, to contend that they were brought there, not for present use, but for the purpose of being employed at some other period, when it might be done to better advantage; that they were kept there as a sort of stratagem, in order to prevent this country from taking an alarm when their design of invading us should be ripe. This, however, he would tell the Ministers, that it was their duty to have remonstrated against the occupation of Holland; and in remonstrating, to have taken the highest ground. Had Ministers done so, they would have had with them the feelings of the Dutch nation, and the opinion and good wishes of Europe. What ought to have been their precise course it was not for him to tell them; but a direct and spirited remonstrance on the affairs of Holland specifically, not deferred until after his Majesty's message to Parliament, but immediately on the arrival of Lord Whitworth at Paris, ought to have been presented to the French Government. This representation should have been made not privately, not couched in peevish language—such was always beneath the dignity of a great nation, and never could answer any good purpose, but in an open, candid, manly remonstrance; in terms fit to be published in every part of the globe, as the language of an independent and powerful people. He could not, indeed, undertake to answer positively for the success of such a measure. But it was his firm belief that, if Great Britain had only presented a remonstrance, and had done so without any menace of declaring war in case of refusal, such an endeavour would have had a favourable effect on the affairs of Holland, on the general opinion of Europe, and on the subsequent conduct of France herself.

" These material consequences, he was confident, might have been produced if the Ministers had taken the proper time for remonstrating. All that they now appear to have done is to have mentioned Holland to the First Consul! Now, it was fair to observe, that if this was all they thought proper to do, they had received in return all that they were entitled to expect. They had the assurances of the First Consul that he would evacuate Holland as soon as the discussions between the two governments should be terminated. These promises were, at least, fair; and, after the manner in which they had interfered, promises were all the Ministers could look for.

" The conduct of the French Government in thus occupying Holland with their troops, was no less unjust, and eventually, he trusted, would prove no less unwise and impolitic than the attempt to reduce St. Domingo to its former condition of servitude. It had been said, that the expedition to St. Domingo was no affair of ours; that the principles of mere humanity, or the consideration of what might turn out to the advantage of the inhabitants of that devoted island, gave us no right to interpose on that occasion. Supposing this country, indeed, to be guided by the dry dis-social principle of self-interest alone, he agreed that that expedition gave us not the smallest reason to complain. So far he agreed with the Ministers, and differed from a right honourable gentleman upon the floor (Mr. Windham); that expedition, on the contrary, he conceived to have been one of the most absurd and foolish ever undertaken for the interests of France herself. Not only it was not dangerous to this country, but in one view it had been highly advantageous; since it had employed the forces of France, occupied her attention, and weakened her resources. This had been done without bringing her any benefit in return, since every one saw that the object of the expedition had been lost; it was lost chiefly from the conduct which had been observed towards the blacks, and particularly towards Toussaint, by the person who had the command in that island; a conduct which he considered as implicating and forming a material blot in the character of Bonaparte himself. He regretted the little attention which was paid to these events in England, under the vulgar supposition of their being foreign to British interests; condemned the fatal weakness which prevailed over the chief part of mankind, rendering them indifferent to the fate of others at a distance; and reprobated that still more inexcusable apathy, the true source of the wickedness with which all countries, without exception, had treated the blacks, and which seemed to deaden the heart of man to the sufferings of those of his species who happened not to resemble him in complexion. He considered it as a great reproach to this country not to have seized the very first moment of a good understanding with France, to concert measures with her for the extirpation of that dreadful evil, that disgrace to human nature, the slave-trade—this he should always consider and lament as a valuable opportunity lost, on a most interesting and important subject.

" The last transaction to be considered, under this first head of complaint, was the taking possession of Parma and Placentia. It did not appear by any thing known to the public, whether or not those territories were allotted to France, by any treaty which existed previous to the treaty with us. He believed that the reversion of them to France was insured by a treaty with Spain, entered into during the life of the late duke. It was his opinion, however, under all the circumstances of the rest of the continent, that this was now become a matter of very inferior importance. He adverted to it rather as a subject of regret, than as constituting a ground of war. Most of the others he had mentioned were of the same description: all were subjects of regret, many of them of reproach; although, in his judgment, nothing was of any comparative weight when placed against the transactions in regard to Holland.

" He next proceeded to those subjects which constituted the second class of complaints against France, those, namely, which were to be considered under the head of insults, contradistinguished from actual injuries. This question included one of a very wide and general nature, namely, how far the language which the two countries had held towards each other was to be considered as forming a just ground of reciprocal hostility. No one who knew anything of the constitution of England, or the spirit and temper of its people, could expect that we should condescend even to discuss a proposition with France, which had for its object any diminution of the liberty of the press. This great privilege, he, of all men, was not likely to be suspected of a disposition to surrender. If he would not surrender it to please the Government of his own country, much less would he consent to do so for the sake of pleasing the Government of any other. This point he would not condescend to argue—it was entirely out of all question. The proposition of France, however, on this head, whatever it may have been, was rejected by us, and in that rejection France acquiesced. Grossly absurd, therefore, as such a proposition was, and founded in complete ignorance of the nature of our constitution, it could not now be considered any further as an insult, or as the evidence of a hostile mind actually existing. It was true, that out of the liberty, or rather out of the abuse of the liberty of the press, many partial evils, forming just ground of mutual complaint between the two countries, might arise. They had arisen in the present case. Certain publications had produced, what it was natural for them to produce in the minds of nine people out of ten, namely, disgust and irritation. This feeling had been strongly excited on both sides, and, as it appeared, with mutual and very successful industry. It was, indeed, a feeling of bitterness and animosity, which tended in a great measure to undo the good effects of peace, and prepare the minds of the people in both countries for the renewal of the war. Great and serious, however, as was this mischief, still he could not consent to see the freedom of the press abridged; but if abuse was to go on, it was his earnest wish that hostilities at least between the two countries should be confined to the newspapers. This species of warfare, if not the most glorious, was undoubtedly the safest. In the first of poems by the first of poets, it had been recommended to two combatants just preparing to engage in battle; and that poet, who was no less a man than Homer, put his advice into the mouth of the goddess of wisdom herself—'Put up your swords,' she says, 'and then abuse each other as long as you please.' 'Such was the advice,' said Mr. Fox, 'I gave in this House to both countries long ago. Would to God it had been followed! for, weak, foolish, and contemptible as abuse may be, it most certainly is a lesser calamity than war. Such a species of warfare was one in which neither party was likely to experience any failure of ammunition. This seems to have been regularly imported, and in sufficient quantities, from both countries. The Chief Consul complains that, during a certain period, every packet-boat that passed from Dover to Calais brought over a cargo of libels. Now, this might appear a curious manner of freighting vessels, but it was singular enough that the glorious poet, quoted before, should have imagined the very same thing; for, in another part of the Iliad, upon a similar occasion, he says, 'as to abuse, you may have a ship-load of it if you please!' We may conclude, therefore, that the exportation of libels from one country to another was a very ancient practice, and that

Homer spoke literally and not figuratively, unless we can suppose him to have had the gift of prescience as to the contents of the packet-boats which crossed during the last summer from Dover to Calais.'

"Returning to the serious part of this subject," Mr. Fox said, "that although no ground for war, this violent abuse was fit matter of complaint on both sides. It was true, that the Ministers of this country might state a wide difference in the case of libels between the two countries, and might allege that the Ministers of France had the means of restraining them, while no such power existed in Great Britain. Literally speaking, this certainly was true; and God forbid that it should be otherwise! but was there any man who heard him who could not give some guess at least how matters of this sort were always managed even here? Was there any news-writer really so unacquainted with proceedings of this nature, as not to know that there were certain modes of abuse, which, according to their direction against particular persons, were more or less agreeable to the king's ministers? Were there really no means for them to come to any understanding with those ministers on such a subject? He could not believe there were many persons who heard him of such a primitive simplicity as not to be in the least aware of what he was adverting to; nor could the French be quite so ignorant as to believe, where they see newspapers teeming with incessant abuse of a foreign power for months together, that it is, or that it can be, the serious wish of Ministers to prevent it; or that, if they fail, it is for want of the means of accomplishing such an object. They will scarcely be prevailed upon to believe that the only influence possessed by a Minister of State over the newspapers, is derived from a preference shown by them to one editor over another in the sending advertisements, or communicating articles of public information. Even this, however, is considerable, when the value of such information to the public, and consequently to the editor, is taken into the account. A French minister, too, on his part, might probably reply to a remonstrance from us in a similar manner. He might lament the necessity they were under in France of restraining the liberty of the press. He might profess the highest admiration of that liberty, and the greatest reluctance to fetter it by any restrictions, assuring us, that their only motive was the protection of their own internal government from the effects of libels, but that they had too high a respect for the press to think of interfering with its privileges any further. He might then call on us to exercise the power we possess by the Alien Act to stop at least the source of some of those libels; and to our answer that the powers of that act are applicable only to foreigners who should attempt disturbances against the government at home, and not to such as should attempt any thing against those of foreign states, he might retort upon us—'This, too, is the only power we can exercise over our own press. We detest all infringements of its liberties as well as you. We detest the libelling system as much as you do. We wish it were abrogated altogether, but we have not the means. All the power we exercise over the press is limited to the security of our own domestic tranquillity.' Such might be the arguments on both sides; and much, indeed, was it to be lamented that the facts in this case were such as not only to have a tendency to create, but actually to have created, in France as well as in England, that degree of soreness and irritation, which, in his opinion, had had so large a share in accelerating the present crisis.

"This led him to the consideration of another alleged insult, namely, the complaint advanced by the French Government on the subject of the protection afforded by us to certain French refugees. The demand to send them away he reprobated in the strongest terms. It was his sentiment, that let a man, be he a native of France, of England, or of any other country, observe but the duties of good neighbourhood and submission to the laws, he ought never to be molested for his opinions, in what corner of the world soever he should retire for refuge. Crimes alone could bring him under the judicial cognizance of any just government. To deny any man, be his condition or rank what it might, or coming from whatever part of the globe, the rights of hospitality for his political principles, would be cruel, cowardly, and totally unworthy of the British character. 'The demand,' said Mr. Fox, 'that we should send out of this country persons obnoxious to the Government of France is made upon a most false and most dangerous principle. If it could be so established between the two states, that we should send away from England every person whom it might please the French Government to call a rebel; and that reciprocally to please us, France should send away every person obnoxious to the Ministers of this country; and if it were possible to conceive the still further extension of this principle among the other governments of Europe; every unfortunate man who might, either from sentiment, connexion, or accident, have been led or driven into some act of resistance, would be exposed to the same dangers, and incur the same penalties, as if he had been taken in actual arms against his country. The union of the two Governments of England and France would effectually preclude him from any asylum anywhere, and would hunt him from the face of the globe. To give up men of this description, therefore, would be the worst and basest act I am capable of conceiving. No man, I believe, is more a lover of peace than I am. No one, perhaps—and I hope not to be suspected at this time of bearing hard upon an unfortunate and fallen family, when I say it—no one, perhaps, politically speaking, has less respect than I have for the house of Bourbon; yet I am ready to declare, that for that family, nay, for the worst prince of that family, if among them there should be a bad one, I should be ready to draw my sword and to go to war, rather than comply with a demand to withdraw from him the hospitality to which he had trusted. I say this with regard to persons against whom no crime is alleged; there certainly, however, does prevail at Paris, how justly I know not, a belief, or a strong suspicion, that several persons concerned in the plot against the First Consul's life have not only found protection in England, but are carrying on further intrigues against the peace of the two countries. Whether this opinion be well or ill founded, I am ignorant, and, indeed, should be very slow to believe it (for God knows I am not remarkably credulous in favour of assertions unaccompanied by evidence), but there exists undoubtedly such an opinion; and that certain individuals, to the number of three, now actually in England, or very lately so, were concerned in an attempt on the life of Bonaparte. Am I to judge these men guilty of this crime because they are accused of it? God forbid! But when charges of such a nature are brought against individuals by name, and those individuals are within our reach, I think it but due to all parties—to those who are the objects of the charge as well as those who prefer it—that some inquiry should take place into the fact, and that the result, whatever it may be, should be fairly represented and made known. This is a duty which we owe not only to France, but to ourselves; for the hostility of a great and generous nation gives no countenance to crimes, even against its worst enemies.'"

Mr. Fox then proceeded to advert to "other topics of complaint under the head of insults, particularly a declaration of the First Consul in his speech to the Swiss deputies. It is stated, that in that speech the Swiss were directed by him to beware of forming any connexion with England. Although this declaration made no part of the official charges against France, at which he greatly wondered, he considered it as one of the strongest and most important grounds of complaint of any which had been adduced. Where the first magistrate of a powerful nation tells another country, that it must have nothing to do with a third, it is an offence which ought to be made the subject of a grave and serious remonstrance. As it was only in the newspapers that he had read this fact, it might possibly not be true; but if it were true—if the First Consul had really told the people of Switzerland that they must have no connexion or communication with Great Britain—he had no difficulty in saying, that it ought to have been distinctly complained of, and explanation demanded of the French Government. One of two things would have followed had this course been taken: if the words had not been used, they would have been disavowed, and so we should have received complete satisfaction; if they had been used, they might have been atoned for by an apology, and we should thus have derived the benefit of teaching the First Consul the propriety of abstaining in future from such offensive language.

"Two other points, applicable to this branch of the subject, remained to be considered; the one regarded an expression in the *Exposé* of the Chief Consul to the legislative body of the state of the republic—it is there said, that 'England alone is not able to contend against France.' All expressions of this sort were highly to be condemned. Offensive comparisons serve only to create or inflame a spirit of mutual jealousy and national hatred. In his opinion, it would be much wiser to treat them with contempt. Of this, however, he was perfectly sure, that if they were to be noticed at all, they ought to be made the ground of an immediate demand for satisfaction; it was utterly wrong to suffer them to lie rankling in the minds of the people, and afterwards to bring them forward for purposes of mere irritation. The other point was, the passage alluded to in the official papers on Sebastiani's report. With respect to certain expressions in that report, undoubtedly they contained very insulting matter, even if there were no other objection to it. Both the matter itself, and the manner of expressing it, were highly injurious and unmanly. In one part of this report, a charge is brought forward against General Stewart for incapacity: such charges are indecent enough when individuals only are the authors of them; but when governments adopt them with a view to wound the feelings of those who have no adequate means of resenting it, their conduct is to the highest degree unpardonable. And what can be more galling to the feelings of a man, and especially of a military man, than to hold him out as incapable of his duty? Fortunately, in the present instance, this accusation of incapacity fell upon a worthy and distinguished officer, whose character stood too high in the service to be affected by such an imputation. But there was another and a more serious charge—a charge of giving encouragement to assassination—which assuredly demanded from the King's Ministers the most prompt and vigorous remonstrance to the French Government.

"Such were briefly the complaints, and such had been the manner in which the King's Ministers had treated those complaints, on the two heads on which he had argued, namely, the conduct of France towards foreign states, and the instances of insult, as distinguished from injuries, offered to us by the use of offensive language.

"The next subject of difference was that of their seizing our ships and detaining our property, and the refusal to grant an adequate redress. In judging of these offences, it is fit first to ascertain how far they have arisen out of the operation of hostile laws, and how far out of the partiality of their application. Most of the French laws on this subject he understood to have been passed during the heats of the Revolution, and to be still retained. In this case, the complaint was properly against the existence of such laws—laws to the last degree unwise and impolitic. It was, indeed, highly absurd in France, with the desire to become a commercial nation, to make or to continue laws so inimical to the growth of commerce; but, at the same time, he must assert the right, not of France alone, but of every independent state in the world, and most emphatically of Great Britain, who stood more in need of indulgence on this subject than perhaps any other nation—the absolute and uncontrollable right, where no treaties exist to the contrary, to establish such exclusive laws for the protection of their commerce as they may think fit, and to put every prohibition they please upon the merchandize and shipping of other states. This was a right, which, whether well or ill understood, judiciously or indiscreetly made use of, it never could be disputed was inherent in every independent nation. Great Britain had always acted on these principles. Could it be pretended that any other power had carried them further? Great Britain, it would be confessed, had an equal, if not a superior, degree of interest in the general success of commerce to any other nation in Europe, and yet we had passed many laws with regard to our own, the object of which was the total exclusion of all other states from a participation of its benefits. This was eminently the case in the Act of Navigation, which secured to us the monopoly of the West India trade. That act, which had been passed under the protectorate of Cromwell, was found to agree so well with all the principles of our commercial policy, that it was afterwards persevered in by the family who were restored to the throne; and to a steady perseverance in it, a great part of our commercial and naval ascendency was owing.

"Of the general principle, therefore, of protection by exclusive regulations, we had no right to complain. If the injuries offered to individuals had arisen from the nature of the laws of France, they were out of the present consideration; but if those individuals had suffered injuries contrary to the laws of France, or inconsistent with the provisions of any subsisting treaty, it was the business of Government to procure redress. Of all the grounds of remonstrance which could exist, an insult or injury offered to a British subject was that in which, above all others, they would be sure of support: this matter, therefore, ought to have been wholly left out of the King's declaration, for it was owing to the *laches* of the King's Ministers if redress were not obtained; and if redress were obtained, the complaint ought not to have been mentioned.

"Next came the subject of the commercial commissioners; and here he had no difficulty in saying, that as it appeared to him by the papers, that the persons who were sent hither under colour and pretence of being commercial commissioners, were military men, and in effect no better than spies, it was a shameful attempt to impose upon us for a most mischievous purpose; and therefore there was but one course to be pursued, namely, that of sending them out of this country immediately, and immediately also (for this was not a matter for delay) applying to France for explanation and satisfaction, for having sent them here under such false colours, and for such disguised objects. It might be asked why he, who appeared so strenuous upon this matter, and who had of late been so regular in his attendance in Parliament, had never mentioned this circumstance before. His reason was, simply, that he did not know it before; and it appeared to him that Ministers, by never naming it in Parliament when all the facts were in their possession, did not think it a a matter worthy of parliamentary investigation. He therefore could have no duty to perform upon the subject, because he knew nothing of the transaction; but if Ministers knew of such an act of aggression, it was their duty instantly, not only to represent the matter, but to remonstrate upon it, and to demand satisfaction of France.

"With regard to the manifesto which appeared in one of the Hamburgh journals, he conceived that there was the less necessity for mentioning it as a cause for war, since there had been a promise to disavow it on the part of the French government. The negotiation had unfortunately broken off before that promise could be carried into effect; but the paper itself had been disavowed by M. Talleyrand distinctly; an assurance was given to our ambassador that the French government had not authorized the publication by their minister at Hamburgh; that his conduct should be strictly inquired into; and that full reparation should be given us. With regard to the contents of that paper, undoubtedly they were highly offensive. But what he objected to chiefly was the manner of its publication. If it were true (as it had been stated) that the French minister did actually insist on having it inserted by an order from the senate, it was impossible to conceive a more gross violation of the freedom of an independent state. We complain of this, and very properly. France says she will disavow it. In consequence of the rupture of the negotiation, that promise certainly was left unperformed; but, from all that had passed on the subject before, there was no reason to think that it would not have been kept.

"The language of the First Consul in his interviews with our ambassador had also been the subject of much discussion. It seemed by many gentlemen to be considered as carrying with it such decisive proofs of a general spirit of hostility, as to completely justify the renewal of actual hostilities on our part. One public conversation, at the Tuileries, in particular, was triumphantly held up in support of that opinion.* This conversation had been variously related, and certainly the accounts of several persons, present at the time when it took place, represent the language used very differently from the manner in which it is stated in the papers on the table. He thought it, indeed, a great misfortune that Lord Whitworth should have laid so much stress on the unfavourable nature of any verbal communication. He spoke this with reference to Lord Whitworth's private interview with the First Consul.* For that noble lord, personally, he professed a great esteem, and a high opinion both of his judgment and his probity; but all men knew how difficult it was to retain in the memory every minute particular of a conversation of two hours, when no part of it was reduced into writing at the time. But, whatever might have been the turn of it, it was worth considering, whether the offence given by the terms of such a conversation might not be overbalanced by the advantage of discovering the intentions of an enemy from his own intemperate language.

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* The following is the account which is given of this conversation by Lord Whitworth, in his despatch to Lord Hawkesbury, dated Paris, March 14, 1803: "At the court which was held at the Tuileries yesterday, the First Consul accosted me, evidently under very considerable excitement. He began by asking me if I had any news from England. I told him that I had received letters from your lordship two days ago. He immediately said, 'And so you are determined to go to war.' 'No,' I replied, 'we are too sensible of the benefits of peace.' 'We have,' said he, 'already fought for fifteen (*sic* in orig.) years.' As he seemed to wait for an answer, I observed only, 'That is already too long.' 'But,' said he, 'you want to fight for fifteen more, and you force me to it.' I told him that 'was very far from his Majesty's intentions.' He then proceeded to Count Marcow, and the Chevalier Azara, who were standing together, at a little distance forward, and said to them, 'The English wish for war, but if they are the first to draw the sword, I will be the last to put it up. They do not respect treaties, which henceforth we must cover with black crape.' He then went his round. In a few minutes he came back to me and resumed the conversation, if such it can be called, by something personally civil to me. He began again: 'Wherefore these armaments? Against whom these measures of precaution? I have not a single ship of the line in the ports of France; but, if you insist upon arming, I shall arm also; if you insist upon fighting, I shall fight also. You may haply overwhelm France, but you can never intimidate her.' 'We wish,' said I, 'neither the one nor the other. We wish to live on friendly terms with her.' 'Then you must respect treaties,' replied he. 'Wo to those who do not respect treaties! They will be responsible to all Europe.' He was too much agitated to make it advisable for me to prolong the conversation; I therefore made no answer, and he retired to his apartment, repeating the last phrase."—Parl. Hist. vol. xxxvi. p. 1310

"Having thus gone through the various charges advanced against the Government of France by his Majesty's Ministers, as motives to war under the head of insult, he would observe, that whatever expressions were used by the Chief Consul, whether they were more or less favourable to pacification, it must be always remembered that words are very fleeting, very liable to misconception, and to be imperfectly reported; that, in short, they are of little or no value, except when they are accompanied by acts; but whatever interpretation these words of the First Consul might really bear, certainly those of the right honourable gentleman opposite, (Mr. Addington), on opening the budget, gave to this country fair hopes that we were in a state of profound peace. The members of that House could not have forgotten the language he used, when, at the close of the last year, he laid before them a flattering picture of the commercial prosperity of the country. From no part of his language on that occasion was it possible to draw any other inference, than that he wished the House to believe that there 'was not the least room to apprehend any interruption of the peace.' So the right honourable gentleman's expressions had been generally understood by those who heard them. So they had been understood by the public. This opinion had been confirmed by facts infinitely stronger than the recollection of any member of that House; for, in addition to their speeches, Ministers sent orders to give up the Cape of Good Hope a second time. They also manifested their disposition to surrender Malta according to the treaty. This was not only speaking but acting as if we were in a state of profound peace, for he would not suppose that Ministers could be weak enough to give those orders when they had any real apprehension that the peace could not be maintained. Why did he insist so much upon this point? It was to anticipate an answer, and to guard against a species of reasoning, which he allowed to be fair in general, but which he denied to be applicable to the present subject, considered under the circumstances which had led to his Majesty's message on the 8th of March. It had been argued, and in many cases it might be argued fairly, that a variety of subjects of complaint might exist between two nations, not one of which standing by itself would constitute a sufficient cause for war; but that these subjects of complaint, when accumulated together, might very justly become so. It was inferred from hence, that each article being, of itself, just ground of complaint, although not so great as to justify us in proceeding to extremities, might be borne separately, but that the accumulation of them was intolerable. He had not forgotten the old proverb, that 'It is the last ounce which breaks the horse's back;'—and certainly a scale may be so nicely balanced that a feather more or less would turn it. 'But if Ministers were so enormously loaded with the injuries of their country, that another ounce would have broken their backs, and if at Christmas their difficulties were so nicely balanced that a feather would turn the scale, I tell them,' said Mr. Fox, 'that they ought not to have declared that 'they saw no ground for apprehending war;' for by saying so they deluded their country. If the French had accumulated together such a mass of insults and outrages as to make Ministers see that the period was coming at which they could no longer be endured, they are highly criminal in having flattered the nation so continually with the hopes of peace; and are guilty of the ruin and misery which has ensued from it to so many unfortunate individuals.'

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* See Lord Whitworth's account of this interview in his despatch to Lord Hawkesbury, dated Paris, February 21, 1803, Parl. Hist. vol. xxxvi. p. 1297.

"He came next to the great article on which the war rested, namely, Malta. Before, however, he considered any of the arguments which respected the immediate state of the question relative to Malta, he thought it necessary to advert to, and to express his dissent from, some general opinions on this subject which had been advanced during the discussion. He could manifest his own no better, perhaps, than by following the course and order of the expressions which had been used by an honourable and learned gentleman (Mr. Dallas) who had spoken for the first time on that day, and on the acquisition of whose talents he congratulated the House—talents, the display of which was not unexpected to him, who had had an opportunity of admiring them on a great occasion in another place.* In giving his vote for the present address, the learned gentleman had vindicated the expediency of the war, as it was for Malta; as it was not for Malta alone, but for Egypt; as it was not for Egypt alone, but for India; as it was not for India alone, but for the vital interests of Great Britain. Every one of these four propositions he (Mr. Fox) denied: he denied that Malta was worth a war by itself; he denied that Malta was worth it as essential to the security of Egypt; he denied that Egypt was essential to the security of India; he denied that our Indian possessions, with all their vast importance, which he knew and acknowledged as much as any man, were essential to the vital interests of Great Britain. All these points had been thoroughly discussed in the debates on the preliminary and definitive treaties. Not having himself much geographical knowledge applicable to the question of the importance of Malta to this country, he would rest his opinion upon authorities infinitely greater than his own on all such subjects, and most emphatically so on the present. He would not examine at that time the opinion given in great detail by an honourable general, a friend of his

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* Before the House of Lords, upon the trial of Mr. Hastings.

(General Maitland), during that debate; nor wherein it differed from that which he had formerly delivered; but he remembered well that on the discussion of the definitive treaty, authorities no less than those of Lord St. Vincent and Lord Nelson were produced to prove that Malta was not a convenient station for the protection either of Egypt or the Levant, nor worth the continuance of war for the sake of obtaining a commanding influence in the Mediterranean; he also recollected one of the most able defenders of the Peace of Amiens (Mr. Pitt), while he was arguing upon the necessity of making some cessions with a view to obtain peace, stating, that if it were put to him whether those cessions should be in the East Indies, in the West Indies, or the Mediterranean, he would answer, 'In the Mediterranean.' He (Mr. Fox) confessed himself to have been of a different opinion, and that he should have preferred Malta, but still more Minorca—which he considered of infinitely more value than Malta—to Trinidad; but the opinions to which he had referred were sufficient to prove, that until the present moment no eminent man had attached that degree of importance to the possession of Malta, which it seemed to be now so much the fashion to attribute to it.

"With regard to Egypt, he could not be persuaded that it was by any means the key to our East Indian territories; he could not help thinking, that from national sentiments of a most laudable kind, a degree of consequence had been attached to Egypt, which it did not in reality possess. The invasion of Egypt he had always considered as the most romantic and idle undertaking that ever was entered upon by France. Whether it was wise in us to undertake the recovery of it was another question. Great stress, however, had always been laid upon that expedition. The possession of Egypt had been the cause of continuing the war; its conquest from France had been the means of facilitating the peace. Egypt, likewise, was the theatre on which British valour became the most triumphant and British glory had been most signalized both by land and sea. The memory of our exploits in Egypt had impressed the minds of men in general with ideas of romance; with a sort of superstition, which had given to that country an importance which had never before been discovered to belong to it; but surely it would not be gravely contended, that, because a British army had gained a splendid victory over the veteran troops of France, we ought ever after to insist on the possession of the spot on which that victory was obtained, in order to secure it from all harm, and protect it against any future invasion. What would have been thought of us if we had insisted on the plain of Blenheim after the battle, if we had regarded it as consecrated ground, never to be abandoned after that glorious event—an event not to be less highly valued than the achievements of a Nelson at Aboukir, or of an Abercrombie and a Hutchinson in Egypt? What seas should we ever quit, or what territories should we ever surrender, if we were to retain all that had ever witnessed the triumphs of the British name?

"With regard to the East Indies," said Mr. Fox, "I conceive it to be a very exaggerated statement of their value to call our possessions there the vital strength of the British Empire. Surely the learned gentleman (Mr. Dallas) will not venture to describe our dominion in the East, or the fame which has attended our acquisition of it, in quite such enthusiastic language as that in which he has dwelt upon the classic glories of Egypt. That part of the world, undoubtedly, has contributed most of any to the vast increase of our dominion; it has not contributed in an equal degree to the honour of the British name! it is not there that our character stands the most unblemished. And here I cannot help considering, while we are calling other nations to account, while we are crying out against the aggrandizement of France since the signature of the treaty of Amiens, whether others might not ask, which of the two nations has aggrandized itself the most, France in Europe, or Great Britain in India? Have you not added vast territories to your empire in India, just as France has done to hers in Europe, some by the effect of war, and some by direct annexation? I rather think, if you go back a little, and look at certain transactions, few countries would suffer more in character on the score of aggrandizement than Great Britain. We lay stress on aggrandizement in Europe, and they may do so on aggrandizement in India; nor do I know what defence we can set up against the accusation, unless we adopt a humorous one, which is said to have been made by a lady, who, on her return to Europe after a long residence in that part of the world, was charged with some irregularities of conduct, and who, having been questioned as to several specific instances, exclaimed, 'No, never! never, upon my honour, *on this side of the Cape of Good Hope!*' But on the subject of Egypt, I wish to know whether I am to understand what has been advanced as an hyperbole of eloquence, or a grave determination. Are we to go to war the instant the French only think of Egypt? Is this the first time they have thought of it? Did not M. de Vergennes, in 1786, entertain such a plan, and employ an agent to go to Egypt for a purpose similar to that which appears in the report of Sebastiani? The right honourable gentleman opposite to me (Mr. Pitt) was then Minister. How did he act? Did he make war on France? Did he remonstrate? Did he ever offer a representation upon the subject? No Sir; he entered into no dispute with M. de Vergennes, but he entered into a treaty of commerce with him."

Mr. Fox then entered more at large into the discussion of the article concerning Malta, which formed, as he contended, the substance of our whole immediate dispute with France. "It was clear and indisputable that we had bound ourselves to give up the possession of Malta when it should be in a certain state. The tenth article of the treaty was said to have been entirely and solely drawn up by the Ministers of this country. That article he desired to be read.* [It was read accordingly.] By this it appears that Ministers bound themselves to surrender the island to the order of St. John, within a given period, when the three contingencies following should have happened:

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* *Vide* Annual Register, vol. xxxvi. p. 307.

1. When a grand master should have been appointed; 2. When a garrison of Neapolitans should have arrived to take possession of the place; and, 3. When certain powers should have been invited to guarantee its independence. These conditions have been fulfilled. The grand master has been chosen; the Neapolitans have arrived; and Russia, Prussia, Spain, and Austria, have been invited according to the stipulation to become the guarantees. Ministers knew very well (they could not pretend to assert the contrary) that the completion of this last stipulation was not deemed essential to the two former, or a *sine quâ non* of the evacuation of the island. It is stated, however, that there were other important articles to be executed before Ministers could be peremptorily called on to fulfil this part of the treaty. Certain revenues were to be appropriated to the maintenance of the order; and these revenues having been confiscated, and the priories abolished in Spain and Bavaria, Ministers gave us to understand that these acts were done by the contrivance of the French Government, in order the more easily to obtain repossession of the island; consequently, that we ought to continue the occupation of it ourselves. The reasoning of Ministers on this point he was at a loss to comprehend. According to their argument, France, it seems, always wished to throw difficulties in the way of our executing that part of the treaty. What! to throw difficulties in the way of our giving up Malta? No; but difficulties in the way of our being enabled to do so with safety to ourselves, which amounted to the same thing. This would be a singular policy enough, considering the earnest representations made to us to evacuate the place, and the eagerness alleged to be shown by the First Consul to get into it. But of what nature were those difficulties? Certain priories had been abolished. Of what advantage could their abolition be to France? What! was it from the knights of Spain that the First Consul apprehended such an opposition to his schemes, that he determined upon reducing them to beggary, by sequestrating the funds appropriated to their support? Was it from the sturdy knights of Bavaria that he feared such a resolute resistance, if they should once get a footing in the island, that he should never after be able to prevail over the independence of the order? What, he would ask, could France expect to gain by such a proceeding? What other effect could it have, except that of giving us a pretence for delaying the execution of the treaty, on the ground of the inability of the order to maintain itself, and to garrison the island? But even this case is provided for. If the knights should not be strong enough to take charge of the place at the period fixed for its evacuation, the Neapolitan troops were to stay so much the longer. If two thousand Neapolitans should not be found sufficient to hold it until the definitive arrangements, provision is made for the sending of more. The native Maltese shall have half the garrison, and if the order should not be strong enough to supply the other half, they may recruit for the remainder from the natives of those countries, and it is limited to those countries only, that shall continue to possess langues, while the general independence of the island is provided for under the guarantee of Great Britain, France, Austria,

Russia, Spain, and Prussia. All these powers, except Russia, had formally undertaken the guarantee; the only remaining difficulty, therefore, was to procure her accession to it. Ministers seemed to be very angry that the French were not so much in earnest as themselves for Russia to become a guarantee of the arrangement. It would have been better, to be sure, if they had been equally so: it surely was natural, however, considering all things, that we should testify rather more anxiety than the French for the object in question. A requisition had been made by us, in which France afterwards joined, to the Emperor of Russia to become a party to this article of the treaty, and we received in answer a proposal from Russia, accompanied by a note, which he was astonished had not been laid on the table of the House. In the note with which this proposal was accompanied, a most extraordinary circumstance first comes to light. It appears that the Emperor of Russia had previously made known to us that he could not consent to become a guarantee, unless that part of the article which provided for the establishment of a Maltese langue, should be abrogated. It appears, too, that at the very time we were pretending so much earnestness about this guarantee, and soliciting the Emperor to accede to it, we knew it could not be complied with; we knew why it could not be complied with; we knew that a compliance with it would be 'inconsistent with what had been agreed upon anterior to the treaty of Amiens between his Imperial Majesty and ourselves, with respect to the order of Malta, and the independence and neutrality of the island.' It appears, nevertheless, that for the sake of obliging respectively Great Britain and France, and this is not for Russian purposes, but for the most laudable of all purposes, namely, the preservation of the peace of Europe, his Imperial Majesty is ready to become a guarantee on any other condition whatever, which could be thought of as necessary, or best calculated, to secure the independence of the island. This proposal is refused. Why? of what possible consequence is it to us whether a Maltese langue should exist or not? And what other steps do the Ministers take to provide for the re-establishment of the order? They immediately propose to France that she should consent to our keeping Malta for ten years! Here, therefore, is the tenderness of Ministers for the rights of the order of Malta! Let us but have the place for ten years, and the knights may go back to Rome if they please, and shift for themselves as they can! Ministers require what they call additional security and indemnity, and thus the British faith is violated, and a solemn treaty remains unfulfilled. As to any compensation, or any security to the Maltese themselves, against either France or England, there could have been no difficulty in procuring it, when so important an object as that of preserving the British character clear and unblemished, and of carrying into effect the spirit of the article of the treaty, was in view.

"After all these difficulties, however, respecting the langues and the sale of the priories, and so forth, had been got over; after the question of the guarantee itself had been so settled as to induce Government to take measures towards evacuating the island according to treaty, appears the report of Sebastiani, and instantly the whole system of Ministers is changed! That report contained the proof that an accredited military agent had been sent by the First Consul to take a survey of the different parts of the Turkish empire, particularly Egypt, and also perhaps to hold out to the people of that country some ideas of a future connexion with France.* That the mission of Sebastiani made a disclosure of the wishes and ulterior views of the First Consul, he was ready to acknowledge; but was it any new discovery? Bonaparte had a desire (and here he adverted to the distinction drawn by Mr. T. Grenville between a desire and a design,) of recovering Egypt. It is said that, having that desire, the moment he sent a military person thither, he gave a proof of his design to attempt the re-conquest of it. This seemed to him an unwarrantable conclusion. What was published with regard to General Stewart, indeed, was grossly insolent; but the other part of it which regarded Egypt was, in any view to its re-occupation, perfectly absurd. To find out that it was absurd was no great discovery, and required not the testimony afforded by the internal evidence of the paper itself; and as to the boasted refinements of French policy and prudence, surely they would have found out a better mode of insuring the success of an expedition to Egypt (if an expedition had been seriously their intention,) than by publishing the letter which disclosed it. 'If, however, the desire to obtain Egypt, such as it is proved by that letter, be a sufficient ground for war,' said Mr. Fox, 'again I repeat it, you never can be at peace, and you never could have been at peace, while the house of Bourbon was on the throne of France. Name the year since the peace of Utrecht in which you could have been at peace, if such a proceeding as this would have induced you to go to war? I am not now speaking of any of the revolutionary governments, or of the anarchy of France, but of the government of France under the regular rule of the house of Bourbon. Look at the several treaties of peace of 1749, of 1763, and of 1783. After the conclusion of peace on each of these occasions, one year did not elapse before France showed some signs of hostility to this country, against the true spirit of those treaties. And what is there of novelty in the present proceeding? I wish to know of those in any degree conversant with modern history, whether they have never heard of the military embassies of the French governments? of the surveys taken by those to whom the embassies were entrusted, and of the means adopted by them to sound the disposition of the people through whose countries they passed? I have, Sir, in support of my assertion, a remarkable and a powerful authority in the noble lord opposite (Hawkesbury). That noble lord told the House, in his speech upon the peace, that scarcely a twelvemonth had elapsed after the conclusion of the treaty of 1783, before the restless spirit of the court of France began to show itself in India, and to manifest views in that quarter of the world inconsistent with the treaty just concluded, and incompatible with our safety. Am I, then, to understand that, if the noble lord had been Secretary of State at those different periods, he would have advised his Majesty to declare war against France? If I am, then I say we should not have had peace for any one whole year from 1749 to 1803.'"

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* "It must, however, be observed, that he (Bonaparte) did not, as M. Tallyrand had done, affect to attribute Colonel Sebastiani's mission to commercial motives only, but as one rendered necessary, in a military point of view, by the infraction by us of the treaty of Amiens."—Extract from the despatch of Lord Whitworth to Lord Hawkesbury, February 21, 1803, descriptive of his personal interview with Bonaparte, Parl. Hist. vol. xxxvi. p. 1301.

Mr. Fox next proceeded to comment on that part of the conversation between Lord Whitworth and the First Consul, which avowed his general views relative to Egypt.* "The Ministers had appeared greatly alarmed at their disclosure. He confessed that he could not see in that disclosure any fresh ground of apprehension, as it taught them nothing they might not have been fully aware of before; nothing, indeed, which they had not themselves proved that they were aware of before, by the very act of their stipulations on the subject of Malta. Some of the conversation had been misrepresented in a manner unworthy the importance of that debate. Whatever might be his opinion respecting other parts of the Chief Consul's conduct, on which he had not been backward in saying what he thought,—whatever he might think of many passages in that conversation, he would own that it appeared to him to carry with it a certain character of frankness which he could not find it in his mind to condemn. He tells us fairly, that, although he could have had Egypt, it was no object for him to have had it at the risk of a war; and war was not for his interest. It was not for his interest to risk a war for Egypt, which one day or other, he tells us, would probably fall into his hands either by negotiation, or the dissolution of the Turkish empire. Now, was not this reasoning, the reasoning namely of interest, the common and ordinary motive which influenced every transaction between man and man? Were we, therefore, to deny it all credit here? 'Were I to argue with the learned gentleman whose propositions I have denied,' said Mr. Fox, 'I should maintain, affirmatively, that Bonaparte had no intention of going to Egypt—not because he has declared he has none—but because he has with reason declared it not to be his interest to do so. He says, 'I could have taken Egypt.' Now, how is that expression represented? Is it to be fairly interpreted by saying, 'I will endeavour to take Egypt?' 'Could have taken it,' is different even in the most obvious grammatical sense from 'I will try to take it,' or 'I design to take it.' The meaning in the present case is fixed by the very words of the conversation itself, which asserts the facility with which the First Consul could have taken Egypt with the very troops he had sent to St. Domingo. It is the discovery of his designs, however, in the event of the dissolution of the Turkish empire, which determined the Ministers to go to war with him immediately. Why? Is this singular in Bonaparte? Was the dissolution and partition of the Turkish empire an event never contemplated before? Does anybody doubt that the Empress of Russia had a 'desire' for Egypt, and something more than a desire that her family should obtain the sovereignty of Constantinople? Nay, was not the circumstance of her christening her grandson by the name of Constantine very generally attributed at the time to such views, and supposed to be done for the purpose of suiting the name to the intended station? But would it not have been thought monstrous that you should have gone to war with Russia on that account? But desire and design are the same thing—are they? Apply this to your own case. We had a desire, as it is manifest by Mr. Moore's mission, to interfere in the affairs of Switzerland. Did that desire ever ripen into a design? No, certainly: and the attempt was never made, nor even the design formed; for the best of reasons—because it was found to be impracticable. It has been said, however, although no such design appears in the papers before us, that Bonaparte had proposed to some power of Europe to divide the Turkish empire. Now this of itself proves the distinction which we ought to keep constantly before our eyes, in considering the question of desire and design. To propose a project to another power is a proof of a desire, but when you abandon it on account of the impracticability of the execution, you cannot surely be then said to have any design. You may, indeed, still retain the desire, but the moment you find the execution impracticable, it would be madness to harbour the design, because rational design can never be entertained without some probability of success. But it is said that this design is sufficiently declared in the report of Sebastiani, for all the purposes of justifying the war. Now, what if Bonaparte had heard somewhere that you had a desire to occupy and to retain the Cape of Good Hope, and that as you openly declared that as he was a man who kept no faith with others, no faith ought to be kept with him; what if he were to couple such a declaration with another, 'that the Minister ought to lose his head who gave up the Cape of Good Hope,' and afterwards were to add to these presumptive evidences the fact of its being in your possession—I ask, whether Bonaparte might not call that the indication of a design on your part of retaining the Cape, with full as much justice as you infer from his declaration a design of occupying Egypt on his? But it is argued, that the mere act of sending Sebastiani is sufficient ground for war. Now this fact Ministers must have known from General Stewart, by his despatch of the 30th of November. The arrival of Sebastiani in Egypt, and his transactions there, were circumstances which General Stewart could not have failed communicating fully to our Government. The publication of the report, also, is adduced as evidence of the intention, and it is asked, whether any man will publish what he does not intend to act? The value of Egypt, too, to Bonaparte is stated in addition. Now, if he really thought Egypt of that value, and if he wanted the key to it first, which is said to be Malta, for the surrender of which he was treating with us, can we suppose that he would have published his intention with regard to Egypt, as the means of prevailing on us to give him up Malta? No! the proposition is absurd and ridiculous on the face of it; nor would it be possible to account for such conduct at all, unless we at once believed Bonaparte to be a madman.'"

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* "He (Bonaparte) told me that if he had felt the smallest inclination to take possession of Egypt by force, he might have done it a month ago, by sending twenty-five thousand men to Aboukir, who would have possessed themselves of the whole country, in defiance of the four thousand British in Alexandria. That instead of that garrison being a means of protecting Egypt, it was only furnishing him with a pretence for invading it. This he should not do, whatever might be his desire to have it a colony, because he did not think it worth the risk of a war, in which he might, perhaps, be considered as the aggressor, and by which he should lose more than he should gain, since, sooner or later, Egypt would belong to France, either by the falling to pieces of the Turkish empire, or by some arrangement with the Porte."—Extract from Lord Whitworth's despatch to Lord Hawkesbury, dated Paris, February 21, 1803, Parl. Hist. vol. xxxvi. p. 1297.

Mr. Fox next adverted to a part of the negotiation, which he professed to be, to him, utterly incomprehensible. "'I am come to demand satisfaction,' says Lord Whitworth to the French Minister. 'What satisfaction?' asks M. Talleyrand. 'Why, really, as to that I cannot tell you, but I will send to England to inquire.' Finding that they do not obtain satisfaction, for the best of all reasons, because they themselves do not know what to ask, the Ministers change the point of satisfaction into one of security. 'What security?' says the French Minister. 'Why, that I can't tell,' answers Lord Whitworth, 'but I will send to know.' Well! it turns out that the security we want is the possession of Malta in perpetuity; next, the possession of it for ten years, which, for all political purposes, amounts to a perpetuity; and then a number of other demands are thrown together, and the King of Sardinia, like the ghost in a tragedy, comes in at the last scene to unravel the plot, and bring about the catastrophe of the piece. He was dead and buried, it is true, long before the play began; no part was assigned to him in the drama, but brought in at the stage-door towards the close of it, and coupled with Malta, Ministers thought he would add greatly to the grandeur of the scene. At the conclusion of the treaty of Amiens, the King of Sardinia, together with many other princes, had been set aside, one by one. Ministers said that they had difficulties enough of their own, and that therefore they would have nothing to do with any of them. But when they came to insist on keeping Malta, and discovered that a war for Malta alone would not be very palatable to the people of England, they produced the King of Sardinia. They had a double purpose in this. The abrupt demand of Malta might have been revolting to the feelings of the First Consul. By bringing forward, therefore, the King of Sardinia in the quarrel, and abandoning him afterwards in the negotiations, they would appear to soften their demand of Malta; while, on the other hand, they appeared to stand forward as protectors of a prince, in whose fate the Emperor of Russia took a warm interest, and whom, if they gained nothing for him, they would at least leave in no worse condition than he was before. In addition to this, they required that Switzerland should be evacuated, and, as a condition, offered to acknowledge the King of Etruria, and the Cisalpine and the Ligurian republics. Now what could Ministers seriously expect from such an offer? Did they really suppose that the First Consul would care one straw whether the establishment he had made in Italy should, or should not, be recognised by this country? Did they doubt that Bonaparte, in answer to their proposal, would beg of them to follow their own fancy on this point, and recognise or not, as they might think convenient? I am not sure,' added Mr. Fox, 'whether many persons who hear me are acquainted with the fact, but I believe it to be certain, that the United States of America, whose independence, under that name, was acknowledged by France in 1778, and what was much more important, by Great Britain in 1782, never was acknowledged by the Empress of Russia to the day of her death; yet I never heard that America was the worse from the want of the recognition of her independence by that imperial princess. Nor did I ever hear that France, which had so large a share in the establishment of that independence, was disposed to quarrel with Russia for declining to acknowledge it. Nor, indeed, could any such refusal affect America. For what is recognition? Nothing but mere matter of course, except as it may be connected with a claim. We gave up a great deal to America, when we acknowledged the independence of the United States. Why? Because we had a claim to the sovereignty of them. The United States were not injured by the refusal of the Empress of Russia to acknowledge them. Why? because Russia had no claim upon America. The recognition of the King of Etruria by the Emperor, indeed, is very different. From him it is a boon, and a great one too; for by so doing he abandons all his claims upon those territories. But we, in offering to acknowledge the King of Etruria, or the other changes in Italy, grant no boon to any of them. We have no claim on Tuscany—we have no claim on Milan—we have no claim on the Cisalpine or Ligurian republics: whether we acknowledge them or not, therefore, is matter of no importance to them, and is only a consideration of convenience to ourselves. The importance to France of such a boon cannot, consequently, be contended for with any reason. What, then, is the result of all this? Why, that you suffered the opportunity to escape you, and, instead of interposing with a generous magnanimity for the protection of Holland; instead of looking to that country which stood in immediate need of being rescued from the most grievous oppression, in whose favour you might have roused all the indignant sympathies of Europe, and in whose cause you might have hoped for the co-operation more or less, of the different great powers of the continent, you rest the whole quarrel with France on a point of sheer, naked, British interest, on your possession and occupation of Malta; a point in which no other European state can feel an interest, or entertain an interest in common with yourselves, you have reduced this whole question to such an issue, that, except possibly the Turks, the value of whose alliance is easily appreciated, no other power can be induced to come to your aid by the sense of a common interest. You have deprived yourselves of every advantage you would have had from the admiration and from the good will of mankind, and you have sent your cause into the world, stripped of every motive to union, derived either from their interests or their virtues.

" 'But can peace yet be made? I think it may. It has been contended that the Emperor of Russia still refuses to guarantee Malta. Is that quite so certain? But be the fact so or not, are not the communications from that excellent prince of such a nature as to encourage the hope, that for the sake of preserving the peace of Europe, he is ready to interpose his mediation, in order to reconcile the present differences with France? Has he not actually offered that mediation? If you accept it, will it not appear to all Europe that you ask only for justice? And will not that be of more consequence to you than any other consideration? Justice, believe me, is a very powerful weapon for you if you choose to use it; and if you accept the mediation of Russia, the justice of your object will be palpable to the world. But I ask you to do so for another purpose. I ask you whether it would not be better that Malta should be in the hands of the Emperor of Russia, than ceded to Great Britain? Whether, with a view to the future peace of Europe, and of affording a fairer chance for its continuance, it would not be better that the Emperor of Russia should be the occupier of Malta, as between Great Britain and France, than that it should be absolutely in the hands of Great Britain? I certainly should consider the guarantee, under the terms proposed by Russia, the best of all. Why? Because it would secure the friendship of Russia; and because our having it even in full sovereignty cannot be put in competition with that friendship. In this war, in the course of any future war with France, which would you prefer, Malta, or the friendship of Russia? I can have no hesitation in answering—the friendship of Russia. And that you will secure it by accepting the proffered mediation, is a point on which I have no difficulty of belief; for, if the accounts I have heard of him be true, (although accounts of princes must be received with many allowances), the Emperor of Russia is a prince who places his glory in a true love of peace, who will naturally feel a still deeper interest in any peace which he might become the instrument of preserving, and whose wishes, therefore, must incline towards that party, the views of which should appear most congenial with his own. To obtain his good offices for the restoration of peace, is, in my opinion, of more real consequence to us and to all Europe, than our possessing Malta under any circumstances. But is there not great probability of our being enabled, through these means, to preserve and consolidate the peace on a much broader basis than that of settling the present dispute concerning Malta? Suppose that illustrious prince were not only to guarantee Malta, but were to enter into guarantees upon a still more extensive principle—to guarantee Egypt to the Turks, for instance. Would not that be worth a thousand Maltas? I go still further. By what I have heard of the Emperor of Russia, from a quarter on which I think I can rely, he is disposed also to look to the freedom of Switzerland and of Holland. I do firmly believe that, under his mediation and guarantee, undertaken upon a large scale, not only Switzerland and Holland, but perhaps even Spain, might recover their independence, and afford you thus an additional security for peace, or assistance in any renewal of the contest. On these large and liberal principles of policy, other powers might be brought to concur with you; whereas, if you are seen to pursue nothing but your own sordid, separate interests, you will obtain no cordial assistance, and you will conclude no solid pacification.

" 'The invariable demand of France upon us to evacuate Malta, has been confined simply to its evacuation according to the terms and stipulations of the treaty. Had we felt ourselves and the rest of Europe in such a state of insecurity as we seem to apprehend from the great power and ambition of France, better would it have been by far to have abrogated the whole treaty at once, and to have declared that, as it was incapable of execution in one of its material articles, it was unfit for execution in any. But, if France had done so! France is said to have no feeling of honour. Let us put the case fairly to ourselves, and suppose, that by an article in the treaty France had bound herself to give us the Mauritius. In what terms should we not exclaim against France, if, alleging our detention of the Cape of Good Hope as a proof of our *malus animus* towards her, she had refused to surrender that possession? What should we think and say of such an excuse, grounded on such a proof of our hostile disposition? France, however, had not made the demand of Malta for herself; it was only to the leaving it in our hands that the First Consul had uniformly refused his consent; he had raised no difficulties to its occupation by other powers: it had been directly offered to Russia. Even with regard to its evacuation by the British troops, he had fixed no precise time, had insisted on no immediate step towards its performance. This conduct certainly bore no appearance of imperiousness or arrogance. It is answered, however, that it was but an assumed moderation in the First Consul, put on for the sake of his immediate interests; and that his real design was war and aggression, whenever the moment should be more favourable. His merchant ships are now at sea: he waits their return into the French ports; and while his country is exposed to danger at so many different points, the present, it is argued, is not the precise moment at which he would begin a war with us; but for this he will choose his own time. Be it so. Supposing the advantage to be on the side of Great Britain now, would it not continue in nearly the same degree during the rest of this year, or the next year, or the year after? And what was the nature of this advantage as applicable to the question at issue? Should we not always retain it? Must not French commerce, during the continuance of our naval superiority, always remain to the same degree a pledge in our hands for the performance of the engagement which constituted the subject of the present dispute? That engagement was the independence of Malta. If Malta, indeed, were occupied by France, it might be right to make use of our immediate advantage, to oblige her to restore the island to its independence; but now what should we gain by threatening the First Consul to block up his ports, to capture his ships, and ruin his commerce? Nothing but another promise; a promise that, during a certain time, he would not disturb us in the occupation of Malta. And, did the experience of mankind, did the evidence of history, furnish a ground of reliance on promises of this sort? Did promises give any real security for the performance of stipulations? Granting the First Consul to have entered into any engagement on this head that we might have required, if his ambition be of that nature which is ascribed to him, could we be simple enough to hope that he would really leave us in the unmolested possession of Malta, and that he would not insist on our evacuating it the very instant at which that opportunity should occur for which we now suppose him to be waiting? The futility of such promises, and the little scruple with which they were evaded, could be no better illustrated than by the conduct of Francis the First, when a prisoner at Madrid, after the battle of Pavia. This monarch, it is well known, was obliged by Charles the Fifth to subscribe, for the recovery of his liberty, to conditions of so harsh a nature, that it was foreseen great objections would be made to their ratification by the states of France. He was compelled, therefore, to engage to return to Madrid in the event of failure, and this engagement he conceived himself to have well and faithfully performed, by building and residing at a house in the Bois de Boulogne, which he called Madrid. On the other hand, while we were pursuing the light and frivolous advantages which a promise of this sort might hold forth to us, we lost the benefit of another, which, as far as it went, was much more valuable and solid. It cannot be denied, that he who makes a promise puts himself to a certain degree in the power of the party to whom he makes it. The independence of Malta was provided for by the treaty. The engagements of France on this head are solemn and positive. If, then, upon our evacuation of the island in consequence of that treaty, the First Consul of France were to attempt anything against its independence, we should derive, in any quarrel we might have to sustain with him on that account, all the benefit (and a considerable one it would be) arising from the disadvantage in point of general character and estimation, to which our adversary would expose himself by such a breach of promise. But all advantages arising from this state of things, such as it might be, we have totally foregone, by resting the dispute with France upon its present grounds.

"'The charges of arrogance, and of a superiority assumed by the First Consul in his language towards this country, are further urged and supported on the testimony of his conversations with Lord Whitworth, to which allusions had been so frequently made: those conversations are said to have been not only offensive in their tone, but in their substance. I can see no foundation for this species of charge in the long conversation with Lord Whitworth, on which so much stress has been laid, and some expressions of which have been so triumphantly quoted. What was the report of those expressions, as given by Lord Whitworth himself? Does the First Consul say haughtily to him, 'I will come and crush you—*Je vous écraserai?*' Just the reverse. He tells us plainly and directly indeed, that he shall attempt to invade us; but he says also, that he knows the chances are a hundred to one against his success; that it is a hundred to one that he and the greatest part of the expedition would go to the bottom of the sea. He talked much, and with great earnestness, on this subject, but never once affected to diminish the danger. Yet this declaration of the First Consul, of the almost utter hopelessness of any enterprise he might attempt against us, is quoted as a proof of his arrogance and presumption! Whatever else there may be in it, there certainly is in this conversation no tone of superiority; on the contrary, it is an acknowledgment of superiority on our side. To call it arrogant or presumptuous, or to say that it is offensive in its tone, or in its substance, appears to be a very whimsical imputation. It reminds me of the most extravagant passage that is, I believe, to be found in a great, and, with me, most favourite poet, and who, notwithstanding the frequent instances of the same sort which occur in his works, is one of the finest in our language, I mean Dryden, who, in the most extravagant, perhaps, of his pieces, puts into the mouth of Almanzor a sentiment which has always appeared to me to outsoar every flight allowable to the wildest fictions of the imagination. In the Conquest of Granada, his hero, who is burlesqued in the Rehearsal, under the character of Drawcansir, says, in anger to his rival—

> 'Thou shalt not wish her thine; thou shalt not dare
> To be so impudent as to despair.'

Now I confess, notwithstanding what I may have thought of the extravagance of my favourite poet, that I had overrated it. I had thought that no case could happen to give common sense to those expressions, and make them applicable to real life. I thought them the daring efforts of a vivid genius, aiming at the summit of poetical hyperbole; but now I find that Dryden gave only a tame, prosaic account of a matter of fact, a few years before it happened! He says, 'You shall not wish, you shall not dare, to be so impudent as to despair!' Bonaparte says, he despairs of success in his invasion of England; and for his pride and impudence in despairing, as well as for his presumption in telling them so, Ministers think no punishment too great. Now I profess myself to be one of those who agree in this respect with the First Consul, and who think that in this despair there is infinitely more good sense than arrogance. I think it is full a hundred to one that he and the greater part of his expedition would go to the bottom of the sea, if he should attempt a descent on our coast. I certainly think this, and I am very glad to find that Bonaparte is of the same opinion.' "

Having closed the argument under these different heads, Mr. Fox proceeded to the summing up of his opinions on the whole of the question before the House. He said, that "after Ministers had suffered the Continent to be reduced to its present state—after they had submitted, without remonstrance, to every encroachment of French ambition—after they had left Holland and Switzerland to their fate, and all the smaller states of Europe under the dominion or the influence of France—he could not think the war they were now undertaking for Malta—plain Malta—either wise or justifiable. What, however, it might be asked of him, would he himself propose under the present circumstances? It was his opinion, that peace was not even then desperate, if proper means were resorted to—means which presented themselves at that very moment, and which were in every way consistent with strict honour, and with a large and liberal policy. He recommended to his Majesty's Ministers without delay to avail themselves of the opportunity which then offered, and to co-operate with the wishes which he understood to have been expressed by the Emperor of Russia for the preservation of the peace of Europe. He recommended, and again enforced, the acceptance of the Russian mediation, not for the sake of procuring the guarantee of that power for Malta merely, but with a view of extending it upon a grand, comprehensive scheme of policy, and in concert with other great powers, to the protection of the weaker and more defenceless states, and thus ensuring, as far as stability could be expected in human affairs, the solid and permanent pacification of Europe. What, he asked, was the other side of the alternative?—War! And what would be the probable effect of resorting to it? He had already touched on the conduct of the First Consul, and some of the reasons which had been assigned for it. He had touched also on the state of the inhabitants of other countries, none of whom, he feared, would be improved in their condition by war; but he must now come to that body of people whom he had often declared to be more emphatically his clients—the people of England. He would, for the moment, put out of his consideration all questions of danger to themselves. He would suppose Bonaparte to feel the truth of what he himself had declared, namely, that he despaired of success in attempting a descent; he would suppose that all parts of our empire were at present secure, and that even in a protracted war there would be no probability, no possibility (if gentlemen would take it so) of affecting us in any quarter by invasion. Even in this state of security, however, what was our situation? Had we forgotten the two last years of the last war? Had we forgotten the state and condition of the middle classes of society in this island; of every country gentleman of a limited income, of every tradesman, indeed of every man in it who did not possess a very large fortune; had we already forgotten how the late war had pressed upon them? Let us recollect these things; let us recollect the circumstances which occurred in the course of that war; what we all suffered by the immense loads that were laid upon us to support it—their grievous and most intolerable weight, and the cruel and grinding measures of every description, under which this country had groaned during so many years. Could Ministers, with these recollections in their minds, bring themselves again to precipitate their country into miseries, so horrible in their nature, and so easily to be avoided? What had we now to expect? He had heard, indeed, some talk of an economical war. But even this economy (difficult as the word was at all times to understand when so applied) was now explained to consist in the adoption of measures leading to an immense and immediate enlargement of our expenses. We were told that we must make great exertions. And what exertions? Exertions beyond anything we have ever yet known; far beyond what were found necessary during the glorious war of Queen Anne; far beyond those by which we obtained that pre-eminence which has immortalized the memory of the late Earl of Chatham; far beyond even those of the late war itself. And by whom were we told all this? If by some gentlemen who had no experience in politics, and under whose guidance we had not already suffered; if by some orator, as a mere figure of speech without a meaning, and by way of a flourish in debate; for such a purpose it might do well: but we are told this, not by a novice in the art of extortion, but by an artist! 'If a man without experience or reputation,' said Mr. Fox, 'examines my case when I am ill, and tells me, 'You must have a limb cut off to save your life,' I might still hope for a cure, without having recourse to so dreadful a remedy; but if the skilful practitioner, the regular doctor himself, tells me so, after consultation—if the experienced operator, under whose prescriptions and directions I have already suffered, tells me so, I know what I must endure! If he tells me, 'I must pull out all your teeth; I must cut off part of the extremities, or you will die;' I have only to prepare for the operation. I know the alternative is death or torture. This great artist, this eminent doctor (Mr. Pitt), has told us that, much as we had already been distinguished for exertion, what we have hitherto done is nothing. We have hitherto been only fighting for morality and religion, for the law of nations, for the rights of civil society, and in the cause of God. Resources fully adequate to such minor objects, the right honourable gentleman assures us, we have already employed; but now we have a contest to sustain of a higher order—a contest which would compel us to strain every remaining nerve, and to call for sacrifices new and extraordinary, such as had never before been heard of in this country. We are told, that within a month, within a fortnight perhaps, a plan must be formed for raising many millions of money, in a mode different from any that has hitherto been attempted. It was not to be a pitiful expedient for a single year—it was not to be an expedient similar to those adopted by Lord North during the American war, or by the right honourable gentleman himself for nearly the whole of the last war—but it was to be a plan which would last for ever, or at least until two or three hundred millions should be raised by it. Severe measures for general defence are also announced to us as necessary within a fortnight; plans of which no man can as yet form a conception, but which Ministers are to reveal to us in due time, and when they shall have reached their full maturity of wisdom.

"'The income-tax was felt heavily by most of the members of this House, although many of them are in the superior ranks of fortune—heavily, indeed, by all descriptions of persons in the country, except the most opulent, or those in the lowest class of labourers, who were too poor to be made the objects of it. I believe there are now near the projectors of that tax, many persons who felt the gripe of it most keenly, although some of them were so situated that it was not prudent for them to complain. That tax did, indeed, affect every person of any condition in this country, but affected them very differently. The possessors of their thirty, their twenty, their ten, and even their one thousand a year, felt it as nothing, when compared to the possessors of only their two, their three, their four, or their five hundred. Ask that numerous and intelligent class of persons how they felt the income-tax? I am speaking of the poor old income-tax, not the tax now about to be imposed. I speak of that mild and gentle operation which seized only upon one-tenth of a man's income, and not of a measure which may exact a fifth, and possibly a half; a measure, too, which must be improved in the mode of its execution, since the greater sum to be raised by it, the more rigorous must be the inquisition. Let no man now look to his holding a pound without giving possibly fifteen shillings of it to Government towards the support of the war; let no man be too confident that an inquisitor may not be empowered to break open his desk, in search of the other five. And all this for what? For Malta! Malta! plain, bare, naked Malta, unconnected with any other interest! What point of honour can the retention of Malta be to you? Something of that nature may be felt by France, but to you, I aver it is, as a point of honour, nothing. 'But it may be prudent to keep it.' Is the keeping it worth a contest? Does the noble lord think it so? On the contrary, is he not of opinion that it is not? 'Oh! but we are to oppose the aggrandizement of France, the ambition of Bonaparte, which will destroy us like a liquid fire.' We have, indeed, heard some splendid philippics on this subject; philippics which Demosthenes himself, were he among us, would hear with pleasure, and possibly with envy; philippics which would lead us directly to battle, without regard to what may follow; but then comes the question—What shall we have to pay for them? What is the amount of the bill? I remember an old French proverb, and I am not afraid of being deemed too much of a Frenchman if I should quote it: the proverb seems almost an answer to one in English, which says that 'things are good because they are dear.' The author of the French one, however, tells us that, let things be ever so good, yet if they are dear, he has no pleasure in eating them, 'le cout en ôte le gout.' Now so it is with me, when I hear the harangues of the right honourable gentleman in favour of war, I think the articles dressed up are exquisite, but the cost spoils the relish. However, these philippics are not new to us. I remember when Lord Rosslyn (then Mr. Wedderburn) made a vehement and eloquent philippic before the Privy Council against Dr. Franklin, calling him 'a hoary-headed traitor,' and so forth. I remember the prodigious effect produced by this splendid invective; so great was it, that when the Privy Council went away, they were almost ready to throw up their hats for joy, as if they had obtained a triumph. Why, Sir, we paid a pretty dear price for that triumph afterwards! In the beginning of the last war, we had abilities, which we now enjoy no longer, and which no one remembers with more regret than I do. There was no want of imagery, no want of figures of rhetoric, no want of the flowers of eloquence; eloquence seldom equalled, and never surpassed by man, and all exerted to support the war. We know how that war ended, and the damp which was cast upon our ardour at the sight of the bill when it came to be paid. So now, when I hear all these fine and eloquent philippics, I cannot help recollecting what fruits such speeches have generally produced, and dreading the devastation and carnage which usually attend them. The right honourable gentleman, when he appears before us in all the gorgeous attire of his eloquence, reminds me of a story which is told of a barbarous prince of Morocco, a Muley Molock, or a Muley Ishmael, who never put on his gayest garments, or appeared in extraordinary pomp, but as a prelude to the murder of many of his subjects. Now, when I behold splendour much more bright, when I perceive the labours of an elegant and accomplished mind—when I listen to words so choice, and contemplate all the charms of his polished elocution—it is well enough for me, sitting in this House, to enjoy the scene, but it gives me most gloomy tidings to convey to my constituents in the lobby. For these reasons, Sir, I should wish, previously to our entering into this war, to be told what event it is that will put an end to it. I would ask, what are we to gain by this contest? I know I may be told that it is an old and foolish question. That it is old I know, but that it is foolish I do not. Switzerland and Holland are, in my opinion, the two great objects to be kept in view, as countries the liberation of which from the yoke of France would be most desirable. But have you any hopes of accomplishing such an object? Have you any chance of doing so by the course you are now about to take? No man thinks more highly than I do of the ability and gallantry of your commanders; no man thinks more highly than I do of the intrepidity and valour of your soldiers; no man thinks more highly than I do of the immense power, most incomparable skill, and invincible spirit, of your navy; no man has more earnest wishes than I have to see the power of France reduced by the efforts of Great Britain. Much certainly, in one way, may be done towards this object. You may seize her islands—you may take her colonies and destroy her trade; you have done it before; and, for aught I know, you may distress her even more. Even then, what will you ultimately gain? On the other hand, what may you not ultimately lose? You may be driven to the brink of bankruptcy yourselves. But France, we are told, will have been destroyed first. France may, indeed, be made a beggar, but will that make her a better neighbour to you? Say even that a new revolution should happen to France, as many have happened to her within these ten years—what will you be the better for that? 'France,' you may then exclaim, 'is now more miserable than ever she was!' To be sure she will be so; and you—how will you be the better for her misery? It is argued, however, that if we are to go to war, it is wiser to commence it now, than to delay it; distinctions are drawn between internal strength and strength for the annoyance of an enemy; it is said that, as to France, another year may extend her commerce, increase her population, and thus give her additional means of annoying us; and that all these means will be diminished by the revolutions she may suffer in another war. If she should suffer in the next war ten revolutions, instead of the five or six through which she struggled in the last, putting all other considerations out of the question, are we justified by experience in expecting that her sufferings will render her a better neighbour to us, or less troublesome to the repose of the world? Was she so wasted by the losses of the late war, was she so enervated by the calamities of her revolutions, as to be rendered incapable of annoying others, or of defending herself? Were not her last efforts, on the contrary, the most terrible and the most successful?'

"From these grounds," which Mr. Fox recapitulated, "he drew the conclusion, that we were in a situation in which, if we were to proceed on our present narrow ground of mere local British interest, we had nothing to gain; absolutely nothing. We could not hope for an ally from any quarter of the world. But if the House should agree to the amendment moved on the address, it would open to us another and a better course. The amendment contained nothing which, with the exception of a very few words indeed, they did not all believe to be true. That his Majesty's Ministers had not done the best that could have been done, in the whole of the negotiation, was certainly a very general opinion. That question was by common consent (as it appeared) to be the subject of debate at a future day; the address he thought would prejudge that question; whereas the amendment kept it entirely open for discussion and decision. To attain the greater objects of the amendment, he gave notice, that he should, at no very distant period, move the House to address his Majesty to avail himself of the disposition manifested by the Emperor of Russia to bring about a general peace.* If that Prince should either be unwilling to engage in the mediation, or unable, through the fault of our enemy, to accomplish its purpose, neither of which he could believe, the House would enjoy the satisfaction of reflecting that they had done everything in their power, which prudence could dictate, to avoid the calamities of war. The alternative would then be inevitable, and they would adopt it without reproach. At present nothing could be said in favour of the policy of war, but that it may be better for us now than it would be four months hence. This advantage would be more than counterbalanced by proving to all Europe, that war was not our choice; that we had applied to one of its first powers to prevent it, and that we were ready to accept the proffered mediation. He concluded his speech with stating the strong sense of duty, and the deep anxiety of mind under which he had been impelled to deliver his opinions so much at length; and with exhorting the House, before they entered on this great contest, not only to pause, to deliberate, and to satisfy themselves, but to do everything that depended on them to convince their constituents and all Europe that the avoiding it was impossible."

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* This Mr. Fox did on the 27th of March; but, in consequence of Lord Hawkesbury having assured the House that the British Government was ready to accept the mediation of Russia, Mr. Fox withdrew his motion.

On a division, Mr. Grey's amendment was negatived by 398 against 67. After which the original address was agreed to.

Proceedings respecting Lord Melville.

1805. *April* 8. In the year 1803, an act* was passed, under the auspices of the Earl of St. Vincent, then First Lord of the Admiralty, for appointing commissioners, with power to examine on oath, to inquire into the abuses of the naval department, and to report such observations as should occur to them for preventing such abuses. The Tenth Report of this commission having implicated, in a very serious manner, the conduct of Lord Melville, who had for many years held the office of Treasurer of the Navy, holding it even with the seals of Secretary of State, Mr. Whitbread, on the 8th of April, brought that report under the consideration of the House, in a speech of considerable length. He concluded with moving the following resolutions:—

"1. That it appears to this committee, that on the 18th of June, 1782, the House of Commons, in a committee of the whole House, came, amongst others, to the following resolutions: 'That it is the opinion of this committee, that some regulations ought to be adopted for the purpose of lessening and keeping down the balances of public money, which appear to have usually been in the hands of the Treasurer of the Navy; and it would be beneficial to the public if the first and other clerks in the different branches belonging to the said office, were paid by fixed and permanent salaries in lieu of all fees, gratuities, and other perquisites whatsoever.'

"'That it is the opinion of this committee, that from henceforward the Paymaster-General of his Majesty's Land Forces, and the Treasurer of the Navy for the time being, shall not apply any sum or sums of money imprested to them, or either of them, to any purpose of advantage or interest to themselves, either directly or indirectly.'

"'That it appears to this committee, that the commissioners appointed to examine, take, and state the public accounts of the kingdom, have, so far as appears from the reports which they have hitherto made, discharged the duty entrusted to them with great diligence, accuracy, and ability; and if Parliament shall carry into execution those plans of reform and regulation which are suggested by the matter contained in the reports of the said commissioners, it cannot but be attended with the most beneficial consequences to the future welfare and prosperity of this kingdom.'

"2. That in furtherance of the intention of the House of Commons expressed in such resolutions, his Majesty, by his warrant, dated June 26th, 1782, directed that the salary of the Treasurer of the Navy should be increased to the sum of four thousand pounds per annum, in full satisfaction of all wages, and fees, and other profits and emoluments theretofore enjoyed by former Treasurers.

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* 43 Geo. III. c. 16

"3. That it appears to this committee, that during the treasurership of the right honourable Isaac Barré, the conditions of the aforesaid warrant were strictly complied with; that the whole of the money issued from the Exchequer to Mr. Barré, for naval services, was lodged in the Bank; that it was never drawn from thence previously to its being advanced to the sub-accountants, to be applied to the public service; that during the time Mr. Barré acted as treasurer and ex-treasurer, he had not in his possession or custody any of the public money; and that neither he nor the Paymaster of the Navy did derive any profit or advantage from the use or employment thereof.

"4. That the right honourable Henry Dundas, now Lord Viscount Melville, succeeded to the office of Treasurer of the Navy on the 19th of August, 1782, when a further addition was made to the salary of the said office, in order to produce a net annual income of four thousand pounds, after the payment of all taxes and charges on the same; and that this additional salary was considered by the said Lord Viscount Melville as granted to him in lieu of all wages, fees, profits, and other emoluments, enjoyed by former treasurers.

"5. That the said Lord Viscount Melville continued in the said office till the 10th of April, 1783; that being asked whether he derived any advantage from the use of the public money during that period, he, in his examination before the commissioners of naval inquiry, declined answering any question on that head, but that he has since, in a letter written to the said commissioners, and dated the 28th of March last, declared that previous to 1786, 'he did not derive any advantage from the use or employment of any monies issued for carrying on the service of the navy;' but Mr. Douglas, who was paymaster, being dead, and his lordship having refused to answer any question on this head as aforesaid, no evidence has been obtained as to the application of monies issued for the service of the navy, or the mode of drawing the same from the Bank during this period.

"6. That the honourable C. Townshend, now Lord Bayning, held the office of Treasurer of the Navy from the 11th of April, 1783, to the 4th of January, 1784, and that from the examination of his lordship, it appears that, during his treasurership, no part of the money issued for the service of the navy was applied for his private use or advantage, and that he does not believe that Mr. Douglas, who acted under him as paymaster, derived any profit or advantage from the use or employment of the public money except the money issued for the payment of exchequer fees.

"7. That the right honourable Henry Dundas was re-appointed Treasurer of the Navy on the 5th of January, 1784, and continued in the said office until the 1st of June, 1800.

"8. That in the year 1785, an Act of Parliament was passed, 25 Geo. III. c. 31, intituled, 'An Act for better regulating the Office of Treasurer of his

Majesty's Navy;' whereby it is directed that no money shall be issued from the Treasury to the Treasurers of the Navy; but that all monies issued for naval services shall be paid to the Bank on account of naval services, and placed to the account of the Treasurer of the Navy, and shall not be paid out of the Bank unless for naval services, and in pursuance of draughts signed by the Treasurer, or some person or persons authorized by him; which draughts shall specify the heads of service to which such sums are to be applied; and that the regulations under the said act shall take place from the 31st of July, 1785.

"9. That the execution of the said act was postponed till the month of January, 1786, and from that time till the month of June, 1800, when Lord Melville left the office of Treasurer, contrary to the practice established in the treasurership of the right honourable Isaac Barré, contrary to the resolutions of the House of Commons of 18th of June, 1782, and in defiance of the provisions of the above-mentioned act of the 25th of Geo. III. c. 31, large sums of money were, under pretence of naval services, and by a scandalous evasion of the act, at various times drawn from the Bank and invested in exchequer and navy bills, lent upon the security of stock, employed in discounting private bills, in purchasing Bank and East India stock, and used in various ways for the purposes of private emolument.

"10. That Alexander Trotter, Esq., Paymaster of the Navy, was the person by whom, or in whose name, the public money was thus employed, and that in so doing he acted with the knowledge and consent of Lord Viscount Melville; to whom he was at the same time private agent, and for whose use or benefit he occasionally laid out from ten to twenty thousand pounds, without considering whether he was previously in advance to his lordship, and whether such advances were made from his public or private balances.

"11. That the right honourable Lord Viscount Melville having been privy to, and connived at the withdrawing from the Bank of England, for purposes of private interest or emolument, sums issued to him as Treasurer of the Navy, and placed to his account in the Bank, according to the provisions of the 25th Geo. III. c. 31, has been guilty of a gross violation of the law, and a high breach of duty.

"12. That it further appears, that, subsequent to the appointment of Lord Melville, as Treasurer of the Navy, in 1784, and during the time he held that office, large sums of money issued for the service of the navy, were applied to other services; and that the said Lord Melville, in a letter, written in answer to a precept issued by the commissioners of naval inquiry, requiring an account of money received by him, or any person on his account, or by his order, from the Paymaster of the Navy, and also of the time when, and the persons by whom the same were returned to the banks, or Paymaster, has declared, that he has no materials by which he could make up such an account, and that if he had materials, he could not do it without disclosing delicate and confidential transactions of Government, which his duty to the public must have restrained him from revealing.

"13. That Lord Melville, in applying monies issued for the service of the navy to other services, stated to have been of so delicate and confidential a nature, that, in his opinion, no account can or ought to be given of them, has acted in a manner inconsistent with his duty, and incompatible with those securities which the legislature has provided for the proper application of the public money."

The first resolution being put, Mr. Pitt moved the previous question thereon. After the resolution had been supported by Lord Henry Petty, Mr. Tierney, and Mr. Ponsonby; and opposed by the Attorney-General, Mr. Canning, and the Master of the Rolls,

Mr. Fox said, "he should be extremely unwilling to suffer this question to be put without expressing his sentiments upon it. For if, unhappily, the vote of the House should be opposite to that which he hoped and wished, he should feel very uneasy indeed that his name should partake of the universal odium that must attach to any decision tending to second such notorious delinquency as the report on the table exposed. He could never reconcile it to his mind to be silent upon such an occasion, lest he should be suspected of declining to mark with the strongest reprobation guilt of a nature so glaring, that any man who gave it the sanction of his vote, or attempted to protect it from punishment, must be viewed in the light of an accomplice; or one at least disposed to become the accomplice of similar transactions. Before he proceeded to the merits of the charges under consideration, he thought it proper to notice the arguments of the gentlemen on the other side, not because he considered those arguments possessed of any intrinsic force, but lest, from the authority of the persons from whom they proceeded they might have the effect of leading the House to a decision, which if it should correspond with the wishes of those by whom such arguments were used, must destroy its character with the country and with all Europe. The first gentleman with whom he would begin was the Master of the Rolls. That learned gentleman had directed the whole of his observations to show that the House should go into a committee in order to ascertain whether the breach of the Act of Parliament, not of which Lord Melville stood charged, but of which he confessed himself guilty, proceeded from corrupt motives. If corruption consisted merely in a man putting money into his own pocket, according to the vulgar conception, perhaps some of the deductions of the learned gentleman would be right. But he would contend that nothing could be more corrupt, in his opinion, than to permit a man's own agent to convert the money of others to his own private emolument. This was the amount of Lord Melville's confession; and although it might be possible, from a further examination, to prove the noble lord more guilty, it did appear to him utterly impossible to prove him less so. For the most conclusive evidence of the noble lord's corruption, he would only refer to that paragraph in the report, in which the noble lord stated, that, although he knew his agent Trotter was applying the public money to other purposes than that for which it was legally intended, he did not prohibit him from doing so. What was that, he would ask, but complete corruption, even taking the case *simpliciter;* but combining it with other circumstances, could any man entertain a doubt upon the subject of his guilt? What greater aggravation of his delinquency in tolerating the breach of his own Act of Parliament could be imagined than allowing his agent to misapply the public money, for the safe custody of which that act was intended?

"But it was pretended that no loss had accrued to the public from this malversation, and a very singular argument was advanced, that as there was no loss there was no risk. 'Now,' said Mr. Fox, 'it unfortunately happened in certain parts of my life, which I do not quote with a view to recommend my example to others, that I was in the habit of engaging in certain speculations, which are commonly called gambling. If a man should, in that kind of speculation, win a large sum of money, I am sure that an argument would not thence arise that he had run no risk. I rather think the natural inference would be that his risk was considerable. Probably, however, in this case, Lord Melville did take care that Trotter should not lose any money. Trotter was the confidential agent of Lord Melville, and Lord Melville was the confidential agent of the state. Therefore, in this sort of speculation in which Trotter engaged, Lord Melville could guard against much risk. If two men play at cards together, and a third person stands behind one of them and throws hints to the other, he that receives the hints is tolerably sure of winning. Just so in this business; Lord Melville knew when the navy bills were likely to be funded, and Mr. Trotter could act upon the information he might receive. Will any one say, then, that from such acting upon such information, no loss would accrue to the public? On the contrary, I maintain, that the public did suffer a loss of one per cent. upon the discount of such bills. But, then, the learned gentleman desired the House to go into an inquiry, in order to obtain further evidence.' He would appeal to the judgment of the House, whether any further evidence could be necessary to enable it to come to a decided opinion upon the breach of law which the noble lord himself confessed. That opinion the House was called on to declare. The public had a right to demand it from them.

"It was said, that the House ought not to think of acting judicially, of inflicting punishment without the fullest examination into the merits of the accusation, and affording the accused the fullest opportunity of vindicating himself. And that, so far as the confession of Lord Melville went, he had been already tried. He would, however, defy those gentlemen who rested their objection so much upon the question of punishment, to show, that it was at all in the power of that House to inflict any punishment on such delinquents as Lord Melville and Trotter. But if the House should determine on prosecution in any way with a view to punishment; whether by directing the Attorney-General to prosecute; whether by moving an impeachment, or preparing a bill of pains and penalties, which perhaps would be the more proper mode of proceeding; he would maintain that the confession of the party accused would be evidence to proceed upon, and that the House was now called on to act, as it must in every similar case, as a grand jury, to pronounce upon the guilt of the accused. It was strange to hear it asserted, that the accused was not guilty, because no loss had accrued from this scandalous transaction. To those to whom the loss of honour was nothing, perhaps, it might be said that no loss had arisen. But what was the loss of honour to that Government which, after such a palpable instance of delinquency, should preserve its connexion with the delinquent? And what the loss of character and honour to that House, should it attempt by its vote to screen such a delinquent?—infinitely more than any sum of money could amount to.

"Whatever the learned gentleman to whom he had already adverted might assert, he could not see that any further inquiry could be necessary to enable the House to decide that a great public officer, who allowed his servants to make illicit profits from the public money, in the teeth of an Act of Parliament, was guilty of a most serious offence. The guilt consisted in the violation of the law, and it never could be pretended that any such violation could be innocent. When private individuals became the objects of suspicion, it was their own affair; but when suspicion attached to men of high rank in the state, it became a matter of great public interest. Putting all the circumstances of the case together, he could not see that anything could be obtained to avert the judgment of the House from further inquiry. Whatever delay might take place, there was only one mode of confirming still further the guilt of Lord Melville, and that was in case Trotter should *peach;* but there was no mode or evidence possible to be imagined that could refute that which Lord Melville himself confessed. On that confession, then, he called upon the House to adopt the motion of his honourable friend.

"With respect to the charge of Lord Melville's having participated in the profits resulting from Trotter's application of the public money, he could not say that there was direct evidence before the House; but there certainly was strong ground of suspicion. The noble lord, it would be recollected, retained the office of Treasurer of the Navy for several years after he was appointed to that of Secretary of State; and when in that House allusion was made to the circumstance of his holding the two offices, the answer from the other side of the House was, that although he held those offices, he only received the salary of Secretary of State, and nothing from the Treasury of the Navy. Did not this justify something more than suspicion? Why should the noble lord so fondly cling to this office of his friend, Mr. Trotter? There were many other persons among even his own relations who would have been glad to occupy this situation. But, no; Lord Melville seemed particularly attached to it; and would any man of common sense, in considering a thing of this kind, make no inference from that attachment? Another objection arose against the proposed committee, from this consideration, that he did not see that any of the difficulties which some gentlemen complained of could be removed; that any of the obscure accounts could be explained. Those accounts were, indeed, of such a nature, that the parties themselves could not understand them; and how, then, could it be possible for a committee of that house to make anything of them? It had been said that the House should proceed with the utmost deliberation in deciding upon character. But upon whose character were they to decide on this occasion? Not, certainly, upon that of Lord Melville, for his character was entirely gone; but upon the character of the House and the Government, which must depend upon the vote of this night. As to the character of Lord Melville, it was so completely destroyed in public estimation for ever, that he would venture to say, that were the vote of the House unanimous in his favour, it would not have the slightest effect in wiping away the stigma that was universally affixed to his name. What, then, must the world think of retaining such a man at the head of the glory of the country? It was dreadful to reflect, that the most honourable claims should be placed at the disposal of a man, with whose name dishonour was inseparably associated—who had confessed himself guilty of an act of corrupt illegality.

" Are we," said Mr. Fox, " to connive at and approve of all this, when even the right honourable gentleman, who has moved the previous question, will not go the length of approving all he has done? Sir, we have heard to-night, with sentiments of exultation, the brilliant efforts of a noble friend of mine (Lord Henry Petty) on the bench behind me. There is not a man in the House capable of appreciating virtue and genius, who did not feel a secret satisfaction at the speech of that noble lord. I recollect, Sir, when the right honourable gentleman on the opposite bench (Mr. Pitt) made his first essay in this House. I recollect, and many in the House must recollect also, the just pride which we all felt to see him, much about the same age then that the noble lord behind me now is, distingishing himself in hunting down corruption, in unmasking abuses in the public expenditure, in proposing and enforcing reforms of various kinds. What a contrast does his conduct on this night afford! 'Heu! quantum mutatus ab illo!' The right honourable gentleman who now fills the office of Treasurer of the Navy (Mr. Canning), asserts that it is physically impossible to act up to the letter of the act, and has amused the House with an account of fractional sums of 8s. 6d., 14s., and 2s., and then turns short upon us, and asks how it is possible to pay all those trifling claims by drafts upon the Bank? I do not say it is; but does he not keep money in the iron chest of his office to pay them, and are not the sub-accountants furnished with the means of liquidating them? But these abuses, it is said, can never occur again; Mr. Trotter, in his dying legacy to his successors, has pointed out the means of preventing it. No; it shall not be done for the future, says Mr. Trotter, and he bequeaths that to his successors which he never thought proper to enjoy himself. The act can never be violated again. I hope not. I hope the decision of the House this night will render it impossible for the gentleman who at present holds the situation of Treasurer of the Navy, or for any future Treasurer, ever to violate it. But if we do not come to this decision, what security have we that future Melvilles and Trotters will not break through any new act we may pass, in the same way in which they have done the resolutions of this House in 1782, and the Act of the 25th of his present Majesty, founded upon them? I hope and trust, Sir, that a large and virtuous majority of this House will be found to put the seal and stamp of their reprobation upon such monstrous and unblushing delinquency. But, say some gentlemen, the depositions are not evidence. That I deny. If an impeachment were carried against my Lord Melville and his associate, these depositions might be produced against them at the bar of the House of Lords. Really, Sir, I have a strong repugnance to enter into all the disgusting particulars of the conduct of this person, with whom I had once some slight connexion. God knows, it was a connexion of hostility; but after what appears on the face of this report, I should be ashamed of myself if I belonged to the same class of society with him. What is any honourable man to think of a person, who either refuses to answer a plain question, or who answers it equivocally, and under reservation? 'Did you derive any advantage from the use of the public monies in the hands of your paymaster?' 'To the best of my recollection, I never did.'—Now, the honourable gentleman's objection to this is, that the noble lord should have occasion at all to mention his recollection on the subject. He should have been confident. There are some cases where a man may be allowed to speak as to his recollection, while in others, to mention it is to betray him. If a man were asked, whether he was on a particular night in a particular room with John à Noakes, it might be very well to answer, that to the best of his recollection he was not; but if he were asked whether John à Noakes did not charge him with an attempt to pick his pockets, and kick him out of the room—what would be the inference if he were to answer that John à Noakes did not, 'to the best of his recollection?' With respect to the noble lord's offer to swear positively that he did not profit from the misappropriation of the public money, it was remarkable that his offer was confined to the period in which Mr. Douglas, who was now dead, was Paymaster of the Navy, but did not at all extend to the Paymastership of Mr. Trotter. What was the conclusion, then, to be drawn from this? Why, that he was ready to make oath as to the paymastership of Douglas, because he was dead; but did not think proper to swear as to Trotter, because he was alive.—As to the letter which has been brought forward, and which, in my opinion, only aggravates and confirms his guilt, we never heard anything of it, although his examination took place in November, until a few days previous to the day appointed for his trial. It is said that Lord Melville never saw it till it was in print. Can any one believe it? Is it credible that the noble lord never had the curiosity to despatch some confidential friend to make an extract of that part of the report which he had good reason to suppose must refer to him? When, indeed, he finds the effect of it on the public mind; when he finds that there is not a man, woman, or child, in every corner of the kingdom, in whose mouth the Tenth Report is not to be found; then, in order to do away the impression of it, he comes forward with this letter.

But what can he now gain by this last shift of his? Nothing at all. But if he was suffered to avail himself of the delay he sought for, would not the country feel that the House of Commons favoured public abuses, screened a great delinquent, and that our navy, the greatness and glory of the nation, was still governed by that very man? Then in what respect would the Government be held in the eyes of the people and of foreign nations, should this man, in a state of accusation and suspicion, be suffered to hold his present high situation, when the bravest and most honourable commanders in the army and navy are always suspended from duty during an accusation of which the result might be an honourable acquittal? The impression on the public mind would now be, that Lord Melville fled for protection to power and not to innocence. I hope and trust that this dreadful and disgusting business, like all other evils, will produce some good; that this day will be an era for commencing an examination into all public abuses, and be the forerunner of such reforms as shall prevent great mischiefs in the country. I hope the right honourable gentleman will himself undertake this great work: and that the commissioners of naval inquiry, to whom the country is so much indebted, will continue their laudable and salutary pursuits, and bring every great delinquent to condign punishment."

The House divided:—Yeas, 216; Noes, 216. The numbers being thus equal, the Speaker gave his casting vote against Mr. Pitt's amendment. The original motion was then carried, and the rest of the resolutions agreed to.*

ROMAN CATHOLIC PETITION.

May 14. The order of the day being read for taking into consideration the petition of the Roman Catholics of Ireland,†

Mr. Fox rose and spoke as follows:—" Sir, at the same time that I cannot help feeling a considerable degree of anxiety at being about to bring before the House a subject which, according to my conception of it, seems, in its probable consequences, some nearer and some more remote, to be of the very highest importance; yet I confess I feel infinitely less agitated than upon many other subjects on which I have lately had occasion to address you. It is certainly a sort of recreation, if I may be allowed so to express myself, after having been obliged to perform the harassing duties of accusation—after having promoted inquiries into circumstances, certainly not more honourable to the country at large than to the individual concerned in them—after having had my mind so harassed and occupied, to feel that I am not now the mover of accusation, but that I am pleading the cause of my fellow-subjects, and that I am endeavouring to add to the strength of the country, without taking from the credit, power, or authority, of any living man in the empire. I cannot help being sensible of the contrast between the duties lately imposed upon me, and that of attempting to draw the attention of the House to a subject which, however embarrassing the discussion of it may be to some persons, has at least this advantage, that it rests entirely on principles of general affection and good will, connected with views which every man must approve, and no man can condemn. The question, Sir, that I have the honour of bringing before you—and I do feel it a great honour to have been desired to bring it before you—is no less than a petition, signed not indeed by any very great number of persons, but embracing, and I take it at the lowest calculation when I say, one-fifth of his Majesty's subjects. Nay, further, I believe I shall not be incorrect, if I state them at one-fourth of the whole of his Majesty's subjects in Europe. My duty, therefore, calls upon me to plead the cause of three or four millions of the people of Ireland, without reference to the proportions they bear to the population of that part of the empire, but which must be allowed to contain the greater proportion of the Roman Catholic subjects of his Majesty—a proportion amounting nearer to a fourth than a fifth of the whole population of the empire. I feel particularly fortunate, that when I am pressing the claims of the Roman Catholics of Ireland to the consideration of this House, I am not pressing them as adverse or hostile to the power or pre-eminence, much less the liberty, or privileges, of the subjects of any other part of the country. If I could persuade the House to do justice to the Roman Catholics, I should persuade them to render a most important service indeed, perhaps the most essential that remains to be done, or that ever was done, for the security, the greatness, and general weal, of the empire, whether with regard to its internal policy, or external relations.

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* On the following day, Lord Melville resigned his place as First Lord of the Admiralty. On the 6th of May, Mr. Pitt stated in the House of Commons, that he had felt it his duty to advise his Majesty to erase Lord Melville's name from the list of Privy Councillors; and on the 9th, such erasure took place. In the following year Lord Melville was impeached before the House of Peers, on charges arising out of the Tenth Report of the Commissioners of Naval Inquiry; but he was acquitted by a large majority, on all the charges. His name was subsequently restored to the list of Privy Councillors.

† See the Petition, Parl. Debates, vol. iv. p. 97.

"It may be somewhat difficult for me to choose on what part of the subject it is most proper to begin. The plain and simple statement of the question, and the first argument in support of it, would naturally be drawn from matter of fact, concerning which no controversy or difference of opinion ever did or can exist; I mean the number of persons who are affected by the question. If I had not heard that different opinions were entertained with respect to the expediency of granting the prayer of this petition, I should hardly think it could be a question, whether a portion of his Majesty's subjects, so considerable as nearly one-fourth, should be on a footing with the remainder, or should have the enjoyment of equal laws, privileges, or advantages, and the full participation and benefit of the constitution and government of the country. Against the principle so generally stated, cause may be shown, suppositions may be urged, and facts may be referred to, with a view to show that this, as well as any other general principle, may be liable to error. I will not detain the House long upon this point; but it is necessary I should call its attention to a topic, which may be considered more an object of theory than anything else. I shall trouble the House but shortly, and only explain my opinion, that, whatever difference of sentiment and feeling may exist, that difference is purely theoretical—the question, in point of practical application, is precisely the same. What some call rights, and what others call indulgences, are precisely and exactly the same. The differences are rather differences between words than things. There are two modes of considering this question: first, as it regards the rights of the subject; and secondly, as it affects the rights of the Crown. That which was most in fashion at different periods of the last century, was the latter mode of viewing it. For my own part, I consider the rights of the people governed to be the prominent rights. I consider that those who compose the society of a state have a complete and unquestionable right to equality of law; but I at the same time admit, that this principle is not to be taken generally. I admit the force of the other general maxim, that 'Salus populi suprema lex,' and ought with propriety to be considered as an exception. Not only very able men, but men of practical knowledge, have in their closets considered it in that light. A most respectable modern writer of our own country, now living (Dr. Paley), has stated, that the general right of government is to do whatever may be necessary for the advantage of the people: but he, and every man of sense, will tell you, that although this is undoubtedly the general right, yet whenever it is exercised by restrictions with regard to one class of the people, such exercise becomes an abuse; or, in other words, the people have a right not to be restricted in anything that is not adverse to the safety of the country. The people have a right to be exempted generally from unequal restriction; but when the safety of the country demands it, and history shows us that such instances are numerous, they are exceptions to the rule, and have always been so considered.

"In the way in which different persons consider this subject, a difference of opinion has been produced, but the conclusion is the same. Some say, they would give the Roman Catholics what they require, as a matter of favour, and a matter of policy; but not as a matter of right. Now, I say, I would give it to them as a matter of right: but we, however, shall not differ, if the practical consequence of our reasoning come to the same thing. I would give it as a right, because it is the general right of the people, and because there is no exception which ought to operate against the Catholics of Ireland. Though Government has a right to impose restrictions, yet if there be no necessity for them, then comes the right of the people to enjoy the benefit of every law, provided such enjoyment is not mischievous in its consequences to the country. It was therefore, Sir, I wished to say these few words, because it is so important a part of the subject, and one which, from the nature of it, cannot be a mere question of to-day, but may recur and become a question for future consideration. I should wish that all should understand each other, and particularly that it should not be supposed there is any essential difference, when, in fact, it is a difference of words rather than of principles. Whatever differences exist with respect to the two theories, it is evident they lead to the same practical consequences. To apply this to the Roman Catholics of Ireland. I do not lay down a principle too large, when I state that it is the general right of the Roman Catholics, as well as of the Protestants, to be on an equal footing—to have equal laws, privileges, and immunities, in all cases where they are not prejudicial to the welfare of the State. The only differences that could arise would be with regard to the degree in which they should enjoy those rights. Cases might be put where persons might say, nothing could justify a departure from the rule of right, but expediency. Some might say, political advantages, connected with external relations, would justify it; others would require such a degree of expediency as would amount to a necessity. They would require that not only the greatness of the country, but the security of the country, should be concerned. I flatter myself we shall not go on such near shades. The Roman Catholics of Ireland have undoubtedly a right to equal laws; but the Government has thought fit to curtail that right, and to put them on a footing disadvantageous to them.

"To enter into the question, whether the laws for restraining the Roman Catholics were originally politic, or, rather, whether they were just; that is to say, whether the policy which dictated them was of such a nature as to render that just which was not within the general rule of justice; would be a discussion exceedingly unnecessary at this moment. At the same time, it will be necessary to attend to the particular period of history in which these restrictions were principally imposed. I think I need not state what will be the argument in reply. No man's mind, I hope, is so framed as to imagine that the restrictions can be justified on account of the length of time they have been allowed to continue. Such an opinion would be a solecism in political reasoning; it would do away the original principle on which such laws were founded, to contend, that though they might be unnecessary at the time they were adopted, yet that, by a long lapse of time, they have acquired a prescriptive right. If a restrictive law is made on account of peculiar circumstances of a political nature, the moment those circumstances cease, the restriction ceases to be politic, and consequently ceases to be just. I cannot conceive how any man can be justified in supposing that, where the circumstances on which a law is founded have ceased, the justice of continuing that law can be a matter for fair reasoning. It may so happen—though I think it has not so happened in this case—but it has nearly happened, that the fact of long restrictions may make it difficult afterwards to restore the objects of them to that situation in which they would have been if the restrictions had never been imposed. I think one may generally state, that all the restrictions of the Roman Catholics were laid, not on their religious, but their political, opinions. At the time they were made, I have doubts whether many of those who concurred in them did not disapprove of the principle; and I have doubts also, whether others did not mix sentiments of persecution and rancour with those restrictions. I would not wish to go to ancient times; but in the early period of the reigns of Queen Elizabeth and James the First, no one can suppose it was any particular religious bigotry that led to the restrictions with regard to the Roman Catholics. As far as one can learn of the character of Queen Elizabeth, her faith was not so repugnant to the Roman Catholic religion as that of many Protestant ministers who were principally concerned in the restrictions. She managed the question with a degree of prudence which proved her one of the most consummate princes of the age. She seemed to be engaged in a general war with several great Catholic powers, and particularly with the King of Spain. From the connexion which the King of Spain had with the Catholics by the league with France, she was necessarily involved in disputes with France, as well as other powers of the Continent; therefore they were political circumstances which occasioned those harsh and severe laws against the Catholics which passed in her reign. Whatever other pretences might have been resorted to, it is plain the Catholics were not considered as the loyal subjects of Queen Elizabeth. But I am speaking of old times, and the circumstances of them do not relate to the present. Even in the reigns that followed, very few restrictions by penal law were enacted, very few restrictions of disabilities took place till a much later period. This may be accounted for from the circumstance that there was no suspicion of the Catholics; but afterwards, in the time of Charles the First and Charles the Second, suspicions had taken possession of the minds of the people of this country, which made those restrictions necessary, many of which have been done away, and some of which are now under consideration. When we come to the Revolution, it is impossible not to see that all the laws of the Catholics were political laws. It was not a Catholic, but a Jacobite, you wished to restrain. When King James was driven from the country; when his enormous tyranny became so mixed with bigotry, that many persons professed to be able to unravel his conduct and tell what to attribute to religion, what to bigotry, and what to tyranny; it was easy to suppose that the Roman Catholics should be actuated by an attachment for a King who had lost his throne in consequence of his partiality for their faith. Ireland at this time was the seat of civil war. Undoubtedly it was natural, after that war was settled by conquest, to prevent the conquered from enjoying the privileges of the conquerors. It was not against the religious faith of those who adored the Virgin Mary, or believed in the doctrine of transubstantiation. King William was unquestionably a great man; I may say the greatest that ever filled the throne of this or of any other country; but whoever would wish to raise his character by representing him as a persecutor of heresy and idolatry, materially mistakes the character of that prince. I am persuaded that he most reluctantly consented to harsh measures against the Catholics of Ireland, and only did so, because it was represented to him by his Ministers that they were absolutely necessary. That King William would have acted wiser if he had made those restrictions less harsh, it is not now our business to consider. King William, in conceding his own to the opinion of others, acquiesced, on the ground of the difference of opinion among the Roman Catholics as to the right of succession to the Crown, and in conformity to that advice which his Ministers gave him. The years that followed the Revolution were most of them years of war; and those that were not years of war, were, with reference to the Catholics, years of a suspicious nature. Endeavours were made to bring about a religious war, in which it was impossible for the enemy not to have looked with confidence to the assistance of Ireland, and therefore the Catholics were disarmed. It might have been wise so to do. That there were bigoted motives actuating some I will not attempt to deny; there were many persons in this, as well as in that country, who were of opinion, that by these persecutions they should transfer to the Protestants the property of the whole kingdom of Ireland: others there were who thought that more lenient measures were likely to be more successful. The effect proved that the measures adopted not only failed, but that they were of a nature which rendered their success absolutely impossible. They were laws which, though nominally against the Catholics, were substantially against the Jacobites. In the two next reigns the same laws continued, because the same spirit was supposed to exist, and the same danger to be apprehended from it. In the rebellions which followed, the conduct of the Catholics in remaining quiet, gave them a just claim to the indulgence of the House; yet no man who considers the grounds of those rebellions, will think that any degree of trust could have been reposed in the Catholics.

" We come now to the period of his present Majesty's reign; a period at which all danger of a Pretender, and the return of the Stuart family to the throne, was extinguished. I should certainly say, that all danger of that nature had vanished in the latter end of the reign of George the Second, and that there was no longer any dispute as to the succession to his Majesty's Crown. From that period no further danger existed. During the Lord-lieutenancy of the Duke of Bedford, at the time of his Majesty's accession, the system of relaxation towards the body of the Catholics was adopted. There was a remarkable circumstance at the period to which I am referring, that proves to me more clearly than anything else, that the causes of these restrictions were at an end. So far was the Lord-lieutenant of Ireland, during the American war, and the war with France, from pretending that there was any danger to be apprehended, that upon an alarm on the coast of Cork, arms, though contrary to law, were put into the hands of those against whom the restrictions remained, on account of the unjust suspicion that they were not worthy of being trusted. Then, undoubtedly, there was a good deal of difference of opinion; for although there was not much doubt in this House, yet gentlemen must know that the Roman Catholics of Ireland were the subject of much consideration. I need only refer to the letters published by the late Mr. Burke relative to the conversations in those days. I remember, in 1776 or 1777, the matter being mentioned in a conversation in this House.

It became a topic of discussion during the period of the American war, when party politics ran high, and when persons felt warm, as undoubtedly they ought to feel upon occasions of such public importance. The opinion then was, that it was a desirable thing to liberate the Roman Catholics from the disqualifications which attached to them; and I rather believe that the real grounds of the motion, and of the bill, moved and seconded by two celebrated names, Sir George Savile and Mr. Dunning, were not so much to relieve the Catholics of Ireland. I did conceive, that to bar a man of his right on account of his religious opinions, was tyranny; that the maxim of *salus populi* never could apply, because the safety of the people could not operate as a ground for preventing a man from enjoying his religious opinion. A great disposition was shown to follow up the system of relaxation. It was thought that what had been done might lead to a relaxation of all the laws against the Catholics. All that scattered men's minds at the time was this—an apprehension of the Pope or Pretender. There might have been in some persons sentiments of respect and compassion, and in others an inclination to taunt or insult; but there was not one person who had any degree of fear or terror, as one single ingredient in forming his opinion. It was said, that the restrictions in Ireland, the ferocious manners of those who were Protestants, and the insults sustained by the Catholics, had produced, as Mr. Burke says, a degree of desperation in that unhappy people, which made it doubtful how far they were to be trusted. The effect of the system had been that of changing, by degrees, the whole property of Ireland, and that country was brought into a state highly to be lamented. I do not mean to make any comparison between the treatment of the black slaves on the coast of Africa, and that of the people of Ireland. I mean only to state, that it was a circumstance likely to produce the general disaffection of the people, that the whole of the property was in the hands of the Protestant ascendency, while the mass of the population was Catholic. Even among those whose forms of government are less free than ours, the property and power should go hand-in-hand, and there should be no other distinction except that of the proprietor and the servant. We began by enabling the Catholics to acquire property. What has been the consequence? The power connected with the free trade and constitution we gave to Ireland in 1782, has produced an increase of property beyond all proportion greater than that enjoyed by the Protestants. There has been an increase not only of mercantile property among the Catholics of Ireland, but also of the landed property. This has been attended with the happiest effect. It has produced the effect of softening and correcting those distinctions between the Roman Catholics and the Protestants which were found so oppressive. The Catholics are now possessed of a great deal of that property which was taken from their ancestors. I mention this, because one of the apprehensions with respect to the Catholics was, that they had preserved memoirs of the ancient state of property, and that, on a favourable opportunity, they were to claim of the Protestants all the property that belonged to their ancestors. This objection has been completely done away; for, at this moment, if you were to reverse the Act of Settlement, and restore the property to those who possessed it before Cromwell's time, I believe the Catholics would be as great sufferers as the Protestants. And what Catholics? Why, the Catholics who are now rich and powerful, namely, the only Catholics to whom we would give an addition of power. From the time of the acquisition of property by the Catholics, I have never been able to conceive on what principle their demands were not conceded to them; least of all, why particular restrictions should have been kept up when others were abandoned. What are the restrictions now existing? The general restrictions may be comprised under these two heads: one, the incapacity under which the Catholics lie with regard to the enjoyment of certain offices, civil and military; the other, the incapacity of sitting in either House of Parliament. Gentlemen who have attended to all this history of the restrictions of the Catholics (sorry I am to say, a large chapter in the history of Great Britain), need not be told that it has been useless with reference to the ends proposed, and certainly odious to those who have been affected by it. I believe it is not considered by foreigners as that part of our constitution which is most deserving of admiration. The two heads of restrictions are quite distinct. Suppose I proceed to consider, first, that with respect to offices; the restrictions under this head go either to limit the prerogative of the Crown or the choice of the people. We restrain the prerogative of the Crown in appointing the Catholics to certain offices: let us examine on what ground. Originally, the Test Act* was for the purpose of excluding the Catholics from the service of Charles the Second; to prevent Catholics being appointed by Charles the Second to executive offices. And here a very whimsical but strong observation occurs. One of the most popular arguments in favour of the test, with a view to the restraint on the prerogative, and I have heard it frequently used, was, that it was necessary to make the constitution agreeable to analogy; and that when it was insisted that the King should be of the Church of England, it was necessary all his officers should be of the same persuasion. What beautiful uniformity there is in this, I own I cannot see. I apprehend that our ancestors reasoned in a very different manner. I apprehend it was not because we forced the King to be a Protestant, that we found it necessary to have his officers of the same religion; but because we doubted whether the King was in reality a Protestant or not, and because we suspected him of a design to overturn the constitution of the country, as in the case of James the Second. If we suspected him of being a Roman Catholic, it was right we should not suffer any officers to be near him who might assist him in an infraction of the constitution. But it is the most strange reasoning I ever heard, that because the King is a Protestant, and therefore not liable to suspicion, you are to prevent him from having the assistance of his Roman Catholic subjects. This test passed in the reign of Charles the Second, and with the approbation of a very great man, Mr. Locke, who observed, that it might have been a necessary measure. The next reign was that of James the

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* *Vide ante*, p. 323.

Second, who was a professed Roman Catholic. If there was any virtue in other days, God knows there was little enough in his! If he had repealed the Test Act, it would have been for the purpose of obtaining the means of acting against the liberty of the subject. Then how came the laws to be continued? The continuation of the test laws after the Revolution was because, the Dissenters being included in the Test Act, it was the object of the High Church party to hold the Dissenters to a law which they had favoured. It was a kind of compromise, on enacting it against the Roman Catholics, to say, we will retain it against you. In this control of the Parliament, it ought to be observed how the question stands. The test does not prevent the King from appointing a Catholic to any office, civil or military; it only makes it necessary, after a certain time, for the person appointed to do a certain act. With respect to the Catholic Dissenters, you have given it up in a great number of points, and you have maintained it in others.

"We now come to the distinction of those cases in which you have given up the restraint. You have given it up with regard to all subordinate offices in the army and navy, and in the profession of the law, but you refuse it with respect to the higher offices. Then you say to the Roman Catholics, 'We have kept nothing from you as a body; you do not all expect to be chancellors, generals, staff-officers, admirals, or other great officers; therefore, as you do not all expect to arrive at these distinctions, there can be no harm in forbidding any of you to obtain them!' Do you wish the Roman Catholics to be actuated by a sense that they are trusted by the executive government, or not? If not, and you should, in giving them offices, appear to entertain diffidence and mistrust of them, they will be executed with that remissness and disregard of the public service which such mistrust is calculated to inspire. Suppose I send to a gentleman of the law, and say to him, it is true you may possess talents, but do you think there is any probability of your being Lord Chancellor? He might probably answer, that there was not; but is there not a very material difference in having an impossibility and bar put to the advancement of a man to the honours of his profession? Suppose a person is engaged in trade, and he can gain a bare living, or perhaps save about twenty pounds a year. I say to him, 'You may go on, and be as industrious as you please, but you shall never make more than one hundred thousand pounds.' He says, he is contented. Well, but does any one think that this country could have arrived at the height it has, if there had been such a restriction on the exertions of industry? It is not because a man's quality is low, that he is prevented by the exercise of his faculties from becoming wealthy; but if you limit his endeavours, you destroy the spirit of enterprise and exertion which impels him, and by such a system finally prevent his success. Do you not think it would be the most destructive blow to the enterprise, industry, and energy of the country, and undermine the principal source of our riches, to put a restraint on the exercise of a man's genius and industry? Do we not often hear a person, not of consequence either from birth or fortune, say, 'I live, thank God, in a country where, by industry and talents, I may arrive at the fortune of the greatest duke in the land?' Is not this cheering? Is not the unlimited power of gain the great principle on which industry, enterprise, and commerce exist? What should we say if men of particular descriptions were to be restricted in their fair pursuits? They stand marked and circumscribed to the limit of their possible gain. Apply the principle to the professions—to the law particularly, the one, perhaps, in which it operates the most. I would ask those who are conversant with the profession, whether it would not damp the ardour of a young man, if he were to be told that he might obtain some pecuniary advantage, but that he could never rise to any office of dignity. I am not supporting the propriety of indulging sanguine hopes, but certainly one of the greatest incentives in the breast of a parent to give his son a good education, is the hope of one day seeing him fill the situation of Lord Chancellor, or some other splendid office. Take that hope away, and you destroy the greatest incentive to an aspiring mind. But when you apply the argument to a military life, how much stronger is it! Is not the very essence of the profession ambition, and a thirst of glory? What can you expect of a lieutenant or captain, who, after exerting himself in the service of the country, comes home, and, reflecting upon the dangers he has shared, admires the skill and ability of his commander, or perhaps thinks something might have been done better—what must be his feelings if he is obliged to add, 'But I can never expect to command an army; all such thoughts are useless; I may be a colonel, perhaps a general, but a general on the staff, that I can never be. I go to my station, because I am a man of honour; but can I do it with the same eagerness as I should do, if, after I have escaped the danger, my reward was to be proportioned?' Does not such a consideration as this lay an extinguisher on military enterprise? Is it not desirable that every man should look, for the purpose of exciting his activity and zeal, to future rewards of the highest sort? But put it in another way. Is it not of importance that every man entrusted with the concerns of others should feel the necessity of gaining a great character for ability and integrity? It is not only satisfactory, but necessary. But if you say, there is a *ne plus ultra*, a point beyond which you cannot go—you are to think only of filling your coffers, *quocunque modo rem*, how different must be the situation of him who feels he can never rise in his profession, though endued with the most splendid talents, compared with the man whose exertions are excited by the prospect of future honours! Do you think these men, the Roman Catholics, do not believe themselves to be a marked people, separated from the rest of the community, not on account of their religious opinions, but of the political opinions connected with them? In all great concerns, the extent of the justice or injustice is of considerable importance. Who is it you are thus stigmatizing and degrading? Is it a few people of a particular way of thinking? No: it is three-fourths of the people of Ireland, and one-fourth of all his Majesty's subjects in Europe. Would you think that, under these circumstances, such a thing could be, so far as to the part that relates to the control of the King's prerogative? I ought, however, first to mention the exclusion from being sheriffs; but that is more connected with the jurisdiction I shall have to mention hereafter. Can anybody suppose that Government would be likely to put improper persons into the office of sheriff in Ireland? Would they nominate Roman Catholic sheriffs to raise disturbances? I say, it is one of the occasions in which it is least possible to suspect an abuse of the King's prerogative, and where it ought not to be controlled.

"Now, with respect to Parliament, the votes of the Catholic Peers in Parliament subsisted during the reigns of Elizabeth, James the First, Charles the First and Charles the Second, till somewhere about the period of 1678. I would ask the most zealous historian that took the side against the Stuarts, whether any mischief by the votes of the Catholic Peers did really occur? Here I quote Mr. Locke, who says—'and with respect to the votes of the Catholic Peers, I think, provided the Test Act is preserved, they are fit and beneficial.' When did they cease? In 1678, upon the discovery of the Popish Plot, suppose it to be true or false, when the country was thrown into a paroxysm of terror, when it was believed that the Roman Catholics were going to massacre the Protestants, when it was expected they were to have the assistance of the King of Spain, and when the ridiculous story of the silver bullets was set on foot. It was at such a moment of popular fury this measure passed. No man thought of expelling the Roman Catholics from Parliament till the people had been put into a paroxysm of rage and terror. Why did they do this? Because there was nothing else to be done against them: it was for no other reason they passed that intolerable law, which put an end to their sitting in Parliament.* You come now to that part of the case which does not affect to diminish the power of the King, but to control the rights of the people. You go to the electors of Ireland, and you say to them, you shall not elect a Roman Catholic. Upon what principle is it you conceive, that if a Roman Catholic has a mischievous project in his head, it can be defeated by keeping him out of Parliament? It has always been the objection to the Test Act, that two descriptions of Protestants are in the House of Commons. We know the Dissenters do sit, and have become the most meritorious of any of its members. What is the objection to the Roman Catholics? That they cannot wish well to the Church of England. Why, that is your argument against the Dissenters. You do not deny the Dissenters the privilege of sitting in Parliament, though you say they do not approve the Church establishment. But the practice is everything. What would be the practical effect of the Catholics having a seat in the House of Commons? Does any man believe, that if there were a total repeal of these restrictive laws, there would be twenty Catholic members returned from Ireland to this House? But I would take it according to the population of the country, and say, that they were four-fifths Catholics. If, contrary to all the principles that govern elections, the mere population were the only thing to be considered, this would, perhaps, give about eighty members. Now, the House consists of six hundred and fifty-eight members. Supposing it possible that eighty Catholics were to be returned out of that number, though I do not think there would be more than twenty, could they be dangerous to the establishment of this country? If the doctrine of virtual representation be well founded, would it not add to the true virtual representation of this country, if three-fourths of the representatives were Catholics? When people push the argument to extremes, and say, that this place is not represented, and that place is not represented, but that you have those in the House of Commons who represent the whole community; that the trading and commercial interests, and the military, naval, and learned professions, are all duly represented; that you have the landed country gentlemen, statesmen, and politicians, soldiers, sailors, merchants, lawyers—in fact, that you have a kind of virtual representation of all the people in the country—I deny it: you have not the representation of the Roman Catholics—you want what you are afraid to have—you ought to desire what they pray for—you ought to have that complete virtual representation they offer you. I have been speaking for the public benefit—I now speak for the benefit of the Catholics. You say to the people of Birmingham, Sheffield, and Manchester, it is true, you send no members to the House of Commons, but you have members of Parliament who are connected with the commerce and manufactures of those places. It is true; but still it is my wish to have a more direct representation. The fact is, the virtual representation is undoubtedly a vital principle in the constitution of the country. If any particular class of men are excluded, you have not a real virtual representation, in the sense the word representation ought to be understood, implying a sympathy and fellow-feeling between the representative and the persons represented. The very substance of representation is, that the members of Parliament should not be able to tax their constituents without taxing themselves. Now I say that there is no feeling of this kind with respect to the Catholics. Upon the same principle you deprive the electors of Ireland from electing Roman Catholics—you deny the corporations the right of choosing them, for they cannot be at the head of any corporation. I want to know upon what principle it is that corporations are to be denied the privilege of appointing Roman Catholics to the office of mayor, or other superior offices? Corporations being composed chiefly of Protestants, there is not much danger, as some would say, or not much hope, as others would say, of the Catholics being admitted. Is not this one of those additional instances in which you keep the stigma without any practical advantages? You fix an unnecessary stigma on the Roman Catholics; and an unnecessary stigma is, of all modes of punishment, that which is most grating to the people, and destructive of the unanimity and concord necessary for the safety of the state.

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* 30 Car. II. st. 2.

"I shall now say a very few words as to certain objections to the matter of this petition. I think the objections to the Jacobites are given up; but it is said, that there is something in the nature of the Roman Catholics that makes it dangerous to grant them the same privileges as Protestants. Some have stated, that there is a general impropriety and incongruity in persons of different religious principles acting together. I should like to know the theory on which this argument rests. Why should two men sitting in council together, instead of inquiring how the forces of the country ought to be disposed of, and where the fleets ought to be sent, whether to Jamaica or any other part of the West Indies, fall to a discussion about transubstantiation, and dispute because one adores the Virgin Mary and the other adores the saints? Is it to be supposed that justices on the bench, when they try criminal or civil points, will quit their duty in order to commence idle controversies on religious points? There are countries where the law and religion are one and the same thing; where, consequently, there would be an impropriety in separating them: but I want to know, upon what principle it is that men may not act together, who entertain strong differences on religious creeds. This stands upon theory only, for the practice is against it. Is there in Europe one state or country that does not employ persons of different religious persuasions in the highest offices? In former times even this was the practice, when there was more heat and animosity. When bigotry was at its height in France, when it led Henry the Fourth to renounce the Protestant and embrace the Roman Catholic religion, in order to obtain the throne of that kingdom, did it ever occur to any one to suggest, that the Duke de Sully, his minister, who was a Protestant, could not advise with him about public affairs? Was he ever accused of being a bad minister, because he was a Protestant? No one ever objected to M. Neckar, the minister of the late King of France, because he was a Protestant. Does not the Emperor of Germany employ Protestants in the various important affairs of his dominions? The Government of Vienna is entrusted to Prince Ferdinand of Wirtemberg, a Protestant. It is true, the bigotry of Frederick the Great could not induce him to employ Protestants as his ministers or officers; but perhaps it was because he could not find any that were fit for his service. What is the case with Russia? The first employment in the service of the Emperor of Russia is filled by Prince Sartoriski, whose religion is that of the Greek Church. With regard to the Swiss cantons, the employment of Protestants has been, perhaps, less than in other places, but they have frequently filled offices of government jointly with the Roman Catholics. In the democratic canton of Uri and some others, the Roman Catholics are more numerous; a proof that they may take an active part in the administration of a popular government, without any evil consequences resulting from the opinions they profess. In the canton of Appenzel the Roman Catholics and Protestants are half and half.

"The Pretender being gone, and all other questions of radical difficulty removed as to him, we now come to another person—the Pope. I wish to know whether, during the last two hundred years the Pope has been a person to be feared? If he has, it can only have been in one way, by his oppression of the Catholics. Long before the period of the Revolution, all the political influence of the Pope, with respect to this country, had ceased. His power became afterwards absolutely insignificant, and during the whole of the question between the houses of Stuart and Brunswick, it was notorious that the Pope could not stir one Roman Catholic in Ireland. But it is stated that the persons principally concerned in the rebellion of 1798 were Roman Catholics. I have no doubt that the Roman Catholics had their share in that rebellion. But were they instigated by the Pope? What! by the Pope while he was in a state of servitude and humiliation? Did the Pope, while he looked to this country as almost his only support, wish to overturn our Government, and prevail on the Irish Roman Catholics to follow Messrs. O'Connor, Emmett, and M'Nevin? This fear of the influence of the Pope, when he has no power to do us harm, and when he cannot do us good, even though he wished it, is perfectly absurd. It is an alarm which can be accounted for on no rational principle. Has the recollection of the proconsuls, sent by the Cæsars to govern this country, left such an impression upon us, as to make us dread everything that comes from Rome? But it is said, Bonaparte has obtained an influence over the Pope, the Pope governs the Irish priests, and thus Bonaparte will be able to attach to him the Roman Catholics of Ireland. Without canvassing the question of the inclination of the Pope to serve the views of Bonaparte, I shall admit that the French Government will willingly employ his influence so far as they can obtain it. That the great enemy of this country would be very willing to make use of such an engine to serve his purposes in Ireland, I have no doubt. But how will he use his influence? If you repeal these laws, you will have nothing to fear from that quarter; but if, on the contrary, you persevere in your restrictions, the way in which the influence so much dreaded may be exercised can only be this: the Irish Roman Catholics will be told, 'an equal participation of rights was held out to you; but, instead of granting your just claims, instead of affording you the relief and protection you were promised, you are still stigmatized as outcasts. You have, therefore, now only to look to a Catholic emperor for assistance, and through him you may expect the emancipation which has been denied you.' This is the language which may be used if you are determined to persist in your present system. But, in the other alternative, what influence can the Pope have? Suppose he were to direct the priests to take care that none but Roman Catholic members were chosen for Ireland; and suppose this influence were so far to succeed as to bring a considerable proportion of Roman Catholics into this House among the representatives from Ireland; is it likely that Bonaparte would find many friends among these Roman Catholic members? If there were eighty members Roman Catholics, it would be an extravagant supposition indeed to say that even three of them would be so dead to all sense of honour and duty, so blind to the interests and happiness of their country, as to become the instruments of Bonaparte. Of the influence to be used in this way by the Pope, surely no reasonable person can entertain any serious apprehension. Is it possible to look forward to any circumstances under which that influence can become dangerous? Great men, it is said, have long views; but some views are so long, that my sight, I must confess, cannot reach them. It has been said of our system of government, *Esto perpetua;* but I should desire no better security for the power and the constitution of this country lasting for ever, than that they should continue until either a Pope or a Bonaparte could obtain a majority in this House.

"I must now turn to another view of the question. It has always been maintained, that the differences between the Roman Catholics and the Protestants are not merely religious, but political. It is on this ground the oaths the former are required to take are defended. The oath is framed against the authority of a foreign priest, though that authority is merely spiritual. But if it be any objection to the Roman Catholics, that they deny the King's supremacy, what do you say to the opinions of the people of Scotland? The Presbyterian religion, which is established in Scotland, does not admit the King to be the head of the Church; and surely the Presbyterian doctrine and discipline of it are at least as repugnant to the established religion of this country, as the opinions of the Roman Catholics are! Yet Scotland, with this Presbyterian Church, forms a part of the United Kingdom. But do not the Roman Catholics swear, that no temporal consequences whatever follow from the doctrine they hold on the question of supremacy? They do swear; and yet it is said we cannot believe them. What! are they not to be believed on oath, because they are Roman Catholics? To make such a declaration is to display to my mind either great malignancy of heart, or an extraordinary deficiency of understanding. But, if the declaration were made on the part of the government of this country, it would be an avowal of wickedness beyond anything I can conceive. Would you say, that you proposed and passed acts of Parliament to persuade them to swear that which you would not believe when sworn? Would you own that you wished to seduce them into perjury? The moment you find that a man attends mass, he is therefore a Roman Catholic, and therefore no longer to be believed. To add to the absurdity, you frame another oath, to keep out of Parliament those very persons of whom it is said, you must not believe that which they swear. This is really at once insulting to the understanding and the feelings of mankind. It is more than a generous and ingenuous mind can be expected patiently to bear.

"I shall not pretend to enter into controversial arguments on the question of doctrine. Indeed, that is a subject respecting which I own I have neither sufficient learning nor patience to fit me for the discussion; but if I had as much of both as the Lord Chancellor of Ireland,* I am sure his example would deter me from undertaking so arduous a task. When I consider the state of religion in Europe, of which, perhaps, three-fourths of the inhabitants are Roman Catholics, I am astonished that such opinions respecting that religion can be maintained. Is it possible that any man can be found bold enough to say of three-fourths of the inhabitants of civilized Europe, that they are not to be believed upon oath? Such an assertion implies, that Roman Catholic nations are not only incapable of the relations of peace and amity, but unfit for any of the relations of society. The existence of any such maxim supposes gross ignorance and barbarism in the people among whom it prevails. Every enlightened mind, every man who wishes well to his country, must treat it with scorn and indignation. When a bill was some time ago introduced respecting the army, I objected to the oaths it contained, on the ground that it was not fit to ask any man to take them; but it will be extraordinary indeed, if those who insisted upon prescribing these oaths should now turn round and declare, that they will not believe them when taken. When the petition I had the honour to bring into this House was first read, the clear and temperate statement of the case which it contains appeared to make a deep impression. I think I could see gentlemen say to themselves, this is not the way I used to think of the Roman Catholics. No, certainly not. It is not the way in which many used to think, because they had received false impressions from persons who perhaps had an interest in misleading their judgment. But it has since been whispered, that the language of the petition signifies nothing, because it is subscribed only by laymen. I can assure the House, however, that there is no ground of any suspicion on this account. The reason why there are no names of priests in the petition is, because it relates only to civil rights; on this account only, clerical persons thought it would be improper in them to subscribe it. The oath, however, has been taken by all the archbishops, bishops, and most of the priests of Ireland; and if it be thought necessary that it should be taken over again, it will be taken. I, however, have always regarded the administration of the oath as improper, and I recollect having some difference of opinion with a late noble friend of mine on this subject, I mean Lord Petre, from whom, had he sat in the House of Lords, the established religion of this country would have had nothing to fear, for he would have only obtained more frequent opportunities of displaying his sincere attachment to the constitution. His lordship defended the oath, because it afforded the Roman Catholics an opportunity of publicly contradicting the calumnies reported against them. I said, that that might be an object with him, but it was none with me, and that I did not wish such a law to remain on our statute-book. Having stated that I entirely disapprove of this oath, I must, however, inform the House, that I have at this moment, in my pocket, a letter from several of the archbishops and bishops, declaring that they have taken and signed the oath. They also declare, that it contains nothing contrary to the doctrines or faith of the Roman Catholic religion, and that it is to be taken equally by the clergy and the laity; but, foreseeing that the fact of the oath being taken might be questioned, certificates have been sent from the courts before which it was administered. It is in these courts, therefore, a matter of record, and the authority of the fact is completed.

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* Lord Redesdale.

"It is said, that since the Roman Catholics have already got so much, they ought not to ask for more. My principle, however, is directly the reverse. It is natural that men in a state of servitude should wish to recover their rights; that they should desire to assimilate their rights with those of their fellow-citizens. It is their ambition to be no longer slaves, but to become men. They ask this; and until they obtain all they want, they have comparatively gained nothing. It would be to shut your eyes to all the evidence of history, to suppose that you could impose upon men an obligation not to look forward to the complete acquirement of their rights; from the moment they begin to enjoy any of them, they must aspire to be on a parity with the rest of their fellow-citizens. The better argument is, that having already conceded so much, what remains is nothing to you to give. Nothing can be more absurd than the conduct which is adopted towards the Roman Catholics. You admit the lower orders into the army and navy, and you prevent the higher from rising to that rank they might expect to attain. You put arms into the hands of men, who, if the French were to land, might be, from their want of knowledge, influenced to do you mischief; and yet you will not trust Lord Fingal, or his brother, with a command. You rely, it appears, with confidence on the loyalty of the ignorant and the prejudiced, and you entrust them with arms. Of which class of Roman Catholics are you afraid—the higher, or the lower? You do not trust those whose property gives them an interest in the country, and whose superior knowledge and information teach them to prefer the Government of their country to every other; but you rely on the ignorant and uninformed. You place in the hands of the latter the means of insurrection; and you take from the former the power they would have, by their influence, to repress commotions. But though you have little to give, what they have to ask is to them immense. You have left them much power to do you mischief, and have afforded them little means of doing you good. Though they require only qualifications for corporations, Parliament, and offices under Government, the object is of great magnitude to them. It is founded on the great principle of requiring to be placed on a footing of equality with their fellow-subjects. Equality of rights is one of the principles which is dearest to the human heart, and it is one which the laws of Great Britain, to their immortal honour, sanction. In whatever country that principle prevails, it produces the greatest of blessings. That country is truly happy, where, in the language of a great modern poet,

> 'Though poor the peasant's hut, his feasts tho' small,
> He sees his little lot the lot of all;
> Sees no contiguous palace rear its head,
> To shame the meanness of his humble shed.'*

If a people are placed in a state of humility and degradation, can it be said, that to get out of that situation is to them nothing? But the confusion which prevails on this occasion has arisen from mixing politics and religion, two things which it has always been the wish of the wisest philosophers and statesmen to keep distinct and separate. It is with great concern I have heard that some eminent members of the Established Church are hostile to the proposition I have to make; but I have some consolation in reflecting, that I have with me a person who enjoys as high a reputation as any member of the Church, and for whose character I have the highest veneration and respect—I mean, Dr. Paley. He observes, 'It has indeed been asserted, that discordancy of religions, even supposing each religion to be free from any errors that affect the safety or the conduct of Government, is enough to render men unfit to act together in public stations. But upon what argument, or upon what experience, is this assertion founded? I perceive no reason why men of different religious persuasions may not sit down upon the same bench, deliberate in the same council, or fight in the same ranks, as well as men of various or opposite opinions upon any controverted topic of natural philosophy, history, or ethics.'* Dr. Paley considers restraints only justifiable on account of political opinions, which may affect the safety of Government. In endeavouring to state the case of exclusion, he says, 'After all, it may be asked, why should not the legislator direct his test against the political principles themselves, which he wishes to exclude, rather than encounter them through the medium of religious tenets, the only crime and the only danger of which consist in their presumed alliance with the former? Why, for example, should a man be required to renounce transubstantiation before he be admitted to an office in the State, when it might seem to be sufficient that he abjure the Pretender? There are but two answers that can be given to the objection which this question contains: first, that it is not opinions which the laws fear so much as inclinations, and that political inclinations are not so easily detected by the affirmation or denial of any abstract proposition in politics, as by the discovery of the religious creed with which they are wont to be united; secondly, that when men renounce their religion they commonly quit all connexion with the members of the church which they have left, that church no longer expecting assistance or friendship from them; whereas particular persons might insinuate themselves into offices of trust and authority, by subscribing political assertions, and yet retain their predilection for the interests of the religious sect to which they continued to belong. By which means Government would sometimes find, though it could not accuse the individual whom it had received into its service of disaffection to the civil establishment, yet that, through him, it had communicated the aid and influence of a powerful station to a party who were hostile to the constitution. These answers, however, we propose rather than defend. The measure certainly cannot be defended at all, except where the suspected union between certain obnoxious principles in politics, and certain tenets in religion, is nearly universal; in which case it makes little difference to the subscriber whether the test be religious or political; and the State is somewhat better secured by the one than the other.'* I shall only take up the time of the House a few moments in reading another passage, in which it is clearly stated, that restrictions should not be continued after the circumstances in which they have originated have ceased. 'Thus, if the members of the Romish Church for the most part adhere to the interests, or maintain the right, of a foreign pretender to the crown of these kingdoms, and if there be no way of distinguishing those who do from those who do not retain such dangerous prejudices, Government is well warranted in fencing out the whole sect from situations of trust and power. But even in this example, it is not to Popery that the laws object, but to Popery as the mark of Jacobitism; an equivocal, indeed, and fallacious mark, but the best, and perhaps the only one that can be devised. But then it should be remembered, that as the connexion between Popery and Jacobitism, which is the sole cause of suspicion, and the sole justification of those severe and jealous laws which have been enacted against the professors of that religion, was accidental in its origin, so probably it will be temporary in its duration; and that these restrictions ought not to continue one day longer than some visible danger renders them necessary to the preservation of public tranquillity.'† Whatever, then, may be the opinions of certain members of the Establishment, I am happy to have the opportunity of quoting one authority, which all who love profound learning, exalted virtue, and sound morals, must respect.

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* Goldsmith's "Traveller."

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* Paley's Moral and Political Philosophy, book vi. chap. x.

"With regard to the time when these restrictions ought to have been removed, if one time could be more proper than another, it was when the Union was carried. To that measure I certainly was hostile, and I have seen nothing since which could induce me to alter my opinion; but whether that opinion be right or wrong, is nothing to my present argument. The period at which the introduction of this measure would have been most proper, doubtless, was the moment when the expectations of the Roman Catholics were raised, when hopes were held out to them, or when they themselves at least conceived that the hour of their emancipation was arrived, and that they were to be placed on an equal footing with their fellow-citizens. It has been said, however, that on this subject an argument may be drawn from practice which is sufficient to silence all reasoning. No one is a greater friend to the opposition of practice to theory than I am, when that opposition is justly applied. In the present case it is observed, that when the severe laws existed against the Roman Catholics in Ireland, all was tranquillity, even during the rebellions of the years 1715 and 1745; but that after the concessions had been granted, the rebellion of 1798 broke out, in which the Roman Catholics joined for the purpose of subverting the monarchy and the constitution. If this argument were true, it would go only to this—that restrictions are good for keeping mankind in a state of tranquillity; and therefore you ought never to release them from severe laws, never restore them to their rights. This argument goes against every principle of liberty, and is only calculated to support the cruellest tyranny and most degrading slavery. Its present object is, to deprive of their rights one-fourth of his Majesty's subjects, and to place them in a state which must greatly embarrass the power and resources of the empire. Surely if there be a malady in our situation, this is it. But were there no circumstances besides the concessions, which rendered the situation of the Irish Roman Catholics very different in the year 1798 from what that situation was in the reign of George the Second? Is it supposed that the operation of the French Revolution had no influence on their minds, as well as on the minds of men in other parts of Europe? The circumstances of that revolution may fairly be allowed to have tended to make them swerve from their allegiance, not as Roman Catholics, but as subjects. Is there not also some allowance to be made for the connexion formed between the Roman Catholics and the Protestants of the north of Ireland—a people of enlightened minds, powerful from their talents and their industry? But the people of that part of Ireland, who are well known not to be much attached to the Established Church, considered the Roman Catholics to be, like themselves, persecuted. The year 1798 opened new views; and to the union which was then formed between the Protestants and the Roman Catholics ought the activity of the latter in the rebellion to be in some degree ascribed. There is also another little circumstance which ought not to be passed over, when it is attempted to be argued that nothing intervened between the concessions in the year 1791 and the Rebellion. Did nothing happen during Lord Fitzwilliam's administration? Did that noble lord not conceive that he was acting the best for the peace of Ireland, by holding out to the Roman Catholics the hope of what they called their emancipation? Doubts have been entertained whether he was authorized by Government to encourage such hopes; but that has nothing to do with the present question; that the expectation did exist, is a fact of the greatest importance. When that noble lord was recalled—when a motion was made on the subject in Parliament, and negatived—the Roman Catholics saw with grief the cup they had looked at with so much eagerness suddenly dashed from their lips, at the moment they at last expected to enjoy it. Would not any man say, that if he were a Roman Catholic, this would have been to him a great cause of despondency? The history of the country showed the melancholy consequences of that disappointment; for it was not until after the recall of Lord Fitzwilliam that a connexion began to be formed between Ireland and France; and there is every appearance that the disappointment then experienced by the Roman Catholics drove some of them into this connexion.

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* Paley's Moral and Political Philosophy, book vi. chap. x.

† Ibid.

"We have been told, that it appears from certain inquiries made by the Irish Parliament, that Catholic emancipation and reform were not considered by the people in some parts of Ireland as of more value than a bit of paper or a drop of ink. I believe this may be the fact; but was it not also stated by the same persons, that, had these measures been granted, they were aware that they must have given up all hope of doing what they call good, but which we call mischief? All those who wished to revolutionize Ireland were greatly alarmed during Lord Fitzwilliam's administration, and were perfectly convinced, that, if the measures intended to be proposed had been carried, their intentions would have been completely defeated. I have been told, that at the time of the Union no distinct promise of redress was made to the Roman Catholics, and I believe it. No Minister could promise that which depended upon the determination of Parliament. The right honourable gentleman opposite to me could have done nothing more than promise to recommend their claims: but did not the Catholics believe that through the measure of the Union they would obtain complete redress? Did they not rely on the promised support of the right honourable gentleman? It was on that ground they gave all their weight to the proposition of the Union; and I know some who have felt less kindness to the Catholics on that account. The persuasion was certainly general, that the Catholic claims would be fully granted after the Union, and a learned gentleman (Mr. Duigenan), now hostile to these claims, appears to have promoted this persuasion. In a letter written by that learned gentleman to an honourable friend of mine, whom I am happy to see a member of this House (Mr. Grattan), there is a paragraph to this purport; 'if we were one people with the British nation, the preponderance of the Protestant interest in the whole state would then be so great, that it would not be any longer necessary to curb the Roman Catholics by any restraints whatever.' Now, when the Roman Catholics found the opinion stated by the learned gentleman, who had been through the whole of his life against granting them redress, must they not have expected that the passing the Union was to be the signal for the redress of their grievances? In a printed speech, too, (printed in a way which might entitle it to be referred to as some authority,) of a noble lord who once filled the chair of this House (Lord Sidmouth), this passage of the learned gentleman's letter is referred to in support of the opinion, that no restraints would be necessary after the Union. If, then, that noble lord drew this inference, what conclusion was it to be expected the Roman Catholics themselves should form? At that time, then, it appeared to be thought that the repeal of these laws would be a measure of safety to the British empire; and yet they remain in the same situation. I state not this as any reproach to the right honourable gentleman opposite to me; but what must the Catholics think, when they find that those who most favoured the Union, and who, on account of the measures then in contemplation, held up that event as eminently calculated to promote the well-being and security of the British empire, opposed their hopes? What the circumstances were which prevented this question being then brought forward, I shall not attempt to discuss, because I do not pretend to know them; but I must observe, that its delay might have led to the very worst consequences. The Catholics, however, have shown by their conduct that they are guided by principles which merit the highest encomium. Their disappointment has not made them resort to popular clamour or tumult. They have brought forward their claims in the most constitutional manner, and they rely with confidence and respect on the justice of this House. The presenting of the present petition is a pledge of the propriety of their conduct; and though my motion should not this night be acceded to, they will still have gained something, by having an opportunity afforded them of stating their opinions. A great and respectable part of the people of the empire are now in favour of their claims. The people of England will soon be completely convinced of the propriety of granting them all they demand; and antiquated prejudices, which it is my lot to expose in 1805, and which were doubtful in 1669, will be completely done away.

"Hitherto I have said nothing of a kind of mysterious objection which has been lately started. I have been asked—'Why do you bring on this question when success is impossible?' Another tells me, 'I like the measure as well as you; but why press it when there is no chance of success?' Why, I know of no circumstance that should render it impossible to carry this question in this House; and there would at least be a little better chance of success, if all those gentlemen who are in favour of the measure would favour us with their votes. I have been told that the repeal of these laws is conceived to be contrary to his Majesty's coronation oath. Now, Sir, were I to propose anything which would be a violation of his Majesty's coronation oath, I should not only think myself a disloyal subject, but a dishonest man. But how absurd would it be to suppose that Parliament, who made that oath for the King to take, should understand it to bind him to refuse his assent to future acts which they might present to him! The oath, as framed by Parliament, was administered to King William, and statutes now proposed to be repealed were passed after he had taken the oath. Now, if it could be maintained that the oath has any reference at all to legislative measures, still I would ask, how can it affect acts passed after it was framed? Such a doctrine appears to me calculated to produce the greatest confusion, and completely to overturn the constitution. If it were true, the government of this country would no longer be a mixed monarchy, but we should be in a mixed state of anarchy and confusion. But it is supposed that the coronation oath would be violated, because the effect of the measure now proposed would, it is said, be to overturn the Church establishment of this country. These laws were, however, made against Dissenters of all descriptions; and yet the Church was not overturned by our union with the Presbyterians of Scotland. Was the coronation oath made to bend in the one case, and not in the other? According to this new doctrine, Queen Anne must have broken her coronation oath when she consented to the union with Scotland; and his present Majesty must already have violated his coronation oath more than once, when he sanctioned the acts passed in his reign for the relief of the Roman Catholics. His Majesty did not refuse his assent to these acts; on the contrary, he did what I am sure he always will do; he followed the advice of Parliament, exercising at the same time his own judgment. While I glory in the name of an Englishman, I never can say that anything which Parliament thinks fit to be done cannot be done. If it had been the practice that nothing was to be moved in this House, but such questions as gentlemen had a reasonable hope of carrying, the country would have been deprived of most of the laws which now constitute its greatest pride and boast; for the best measures have in general been at first strongly resisted, and have been rendered ultimately successful, by the perseverance of those who introduced them, and the good sense of Parliament. But I never can believe that any branch of our constitution will forget its duty; and I am sorry that the report should be circulated of an opinion having been given on this subject, by one who has a legislative voice, but who has no right to pronounce any opinion on matters pending in this House. His Majesty's lawful authority is one of the corner stones of the constitution; but while I shall always exert myself to support that lawful authority, I cannot be silent when I see interested persons endeavouring to extend that influence beyond its due bounds. It would be a great and incalculable evil, were it to be established as a maxim in this House, that no person must move any measure, however great its benefits might be, if it were once whispered about that it could not be successful, because another branch of the constitution was hostile to it. I could wish to see any sacrifice made for the gratification of the Crown, except the sacrifice of the welfare and security of the country. The man who countenances such a sacrifice is not a loyal subject; is not one who loves his King, but one who flatters him in order to betray him.

"Having now troubled the House at so much length, I shall only briefly state a few of the minor points which the subject presents. There may be some persons who would not wish to repeal the whole of the restraints upon the Roman Catholics, but who would wish to do away a part: I must therefore expect, that all who view the question in this way will concur with me in voting to refer the petition to a committee, in order to discover what part of the laws it may be fit to repeal. Among these minor points will also fall to be considered the situation of the army. A Catholic may serve in the King's army in Ireland: he may arrive to the rank of a general, but not a general on the staff. If, however, he comes to England, he is liable to pains and penalties on account of his religion. Surely those who would resist the question in the whole, must at least allow that this is a case in which some relief ought to be given. I am also assured that the common soldiers are restrained from the exercise of their religion sometimes in Ireland; but almost always in England. Some alteration is also necessary in the law of marriage. I mention these circumstances as forming parts of the general question which ought to induce such persons as think them worthy of redress, to go into a committee, whatever their objections to the general question may be. I have stated, that the disabilities under which the Catholics suffer are of two sorts;

namely, those which consist of restrictions on the King's prerogative, and those which restrain the choice of the people. I think that Roman Catholics ought, like all the other subjects of his Majesty, to be enabled to hold places under the Crown, and to sit in Parliament; but I understand there are some who would consent to a proposition for rendering them accessible to offices, who would not agree to give them seats in Parliament. Those who entertain this opinion surely cannot refuse to go into the committee. I understand there are others who, on the contrary, think it advisable that Roman Catholics should be excluded from offices in the executive part of Government; but that, on the ground of virtual representation, which I have stated, they ought to be admitted to seats in the House of Commons. I own that I think this opinion the most rational of the two; and surely those who entertain it cannot object to the motion I am about to make.

"I have now stated most of the general grounds on which I think the repeal of the laws complained of advisable; and I shall now very briefly mention a few of the advantages which may be expected to result from such a measure. A great proportion of the last and of the present session has been consumed in considering of the best means of recruiting the army, and of increasing our local and disposable force. Now, without disparaging the modes recommended by my right honourable friend (Mr. Windham) on this bench, or the right honourable gentleman opposite, for attaining this desirable object, I will venture to say, that no scheme whatever of parish recruiting, limited service, or militia volunteering, can equal the effect of this measure. All these schemes are tardy and trifling, compared to the prompt and large supply which would be afforded by Ireland, were the laws against the Roman Catholics repealed. You now receive into your army Irish Roman Catholics; but what might not be expected from the zeal and gratitude of a nation famed for warmth of temper and generosity, fondly exulting in a triumph obtained over illiberality and prejudice? All your other supplies would be little rivulets compared to this great ocean of military resource. But you are not merely to consider the number, but also the nature of the circumstances under which you would obtain the recruits. Look at the situation of France, our formidable enemy; is she formidable for her finances, her naval power, her commerce, or any other resource except her population? It is from the disproportion of our population to hers, that we can have anything to apprehend. We are weak only in our population. Why, then, do we hesitate to adopt a measure which would afford us so powerful a reinforcement? In this age foreign conquests have been less valued than they were in former times; but if conquests deserved to be ever so much esteemed, what conquest could equal either the true glory or solid advantage of re-acquiring one-fourth of your population? What prospect can be more consolatory than that of thus adding to your strength that which cannot now be called a part of your strength, but may rather be named a part of your weakness? The Protestant ascendency has been compared to a garrison in Ireland. It is not in our power to add to the strength of this garrison, but I would convert the besiegers themselves into the garrison. How can you suppose that these four millions of men should feel themselves in the situation of the other twelve millions, which form the population of the British empire? They know that they furnish you with recruits, from whom you may with reluctance choose sergeants: they send you officers, but they know they can never rise to the rank of generals. They supply you with sailors, who never can advance to any eminence in their profession. How different would our policy be, how different our situation in a military point of view, were the means I propose adopted! There would be no differences, no discontents; but all the subjects of the empire, enjoying equal rights, would join with one heart and one mind in its defence. I am sanguine in believing that these equal rights and laws will be granted to the Roman Catholics. I am even sanguine enough to believe, that many bad consequences which might be expected to result from a refusal of them, will not follow the rejection of this petition. I rely on the affection and loyalty of the Roman Catholics of Ireland; but I would not press them too far, I would not draw the cord too tight. It is surely too much to expect that they will always fight for a constitution in the benefits of which they are not permitted to participate. No permanent advantage can arise from any measure, except that which shall restore them to the full enjoyment of equal rights with their fellow-citizens. In the present situation of Europe, and when the designs of the enemy are considered, Ireland is a place where the active exertions of this country may be required; and this is one of the grounds on which I am anxious that the motion I am about to propose should be acceded to. Whatever may be the fate of the question, I am happy in having had this opportunity of bringing it under the consideration of the House; and I shall detain you no longer, but to move, 'That the petition be referred to the consideration of a committee of the whole House.'"

The motion gave rise to a debate which lasted two days. It was principally supported by Mr. Grattan, Dr. Laurence, Mr. William Smith, Mr. Ponsonby, Mr. Windham, Sir John Newport, Mr. Maurice Fitzgerald, Mr. Dillon, Mr. John Latouche, Mr. Hutchinson, and Mr. Hawthorne; and opposed by Mr. Duigenan, Sir G. Hill, Mr. Perceval, Sir W. Scott, Mr. H. Addington, Mr. Foster, and Mr. Pitt.

At five in the morning, the House divided on Mr. Fox's motion:—Yeas, 124; Noes, 336.

LORD ELLENBOROUGH'S APPOINTMENT TO A SEAT IN THE CABINET.

1806. The death of Mr. Pitt, on the 23rd of January, 1806, dissolved the Administration of which he was at the head; and, early in the ensuing month, a new Ministry was appointed, in which Lord Grenville was First Lord of the Treasury; Lord Henry Petty,* Chancellor of the Exchequer;

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* The present Marquis of Lansdowne.

Mr. Fox, Earl Spencer, and Mr. Windham, Secretaries of State for the Foreign, Home, and Colonial Departments; Mr. Erskine, created Lord Erskine, Lord Chancellor; Mr. Grey,* First Lord of the Admiralty; Viscount Sidmouth, Lord Privy Seal; Earl Fitzwilliam, Lord President of the Council; and Earl Moira, Master-General of the Ordnance. These, with the addition of Lord Ellenborough, Lord Chief Justice of the King's Bench, constituted the Cabinet.†

March 3. In consequence of the appointment of the Lord Chief Justice of the King's Bench to a seat in the Cabinet, Mr. Spencer Stanhope this day moved the following resolutions: 1. "That it is the opinion of this House, that it is highly expedient that the functions of a Minister of State and of a confidential adviser of the executive measures of Government, should be kept distinct and separate from those of a judge at common law. 2. That it is the opinion of this House, that those members of his Majesty's most honourable Privy Council, whom his Majesty is advised to direct to be habitually summoned, and who are so summoned to that committee or selection of the said Council, which deliberates upon matters of state, and which is commonly known by the name of the Cabinet Council, are, and are deemed to be, the confidential ministers and advisers of the executive measures of Government. 3. That the so summoning to the said committee, or Cabinet Council, a Lord Chief Justice of England, to sit and deliberate as a member of the same, is a practice peculiarly inexpedient and unadvisable, tending to expose to suspicion, and bring into disrepute the independence and impartiality of the judicial character, and to render less satisfactory, if not less pure, the administration of public justice.' The resolutions were supported by Mr. Canning, Lord Castlereagh, Mr. Perceval, and Mr. Wilberforce; and opposed by Mr. Bond, who moved the other orders of the day, Earl Temple, Mr. Fox, Lord Henry Petty, and Mr. Sheridan.

Mr. Secretary Fox rose and spoke as follows:—

"With regard, Sir, to the question before the House, I must say, that the introduction of it is to me matter of surprise. It is the first instance that I have ever heard of such a thing as the Cabinet Council becoming the subject of debate in this House. I never knew the exercise of the King's prerogative in the appointment of his Ministers to be brought into question upon such grounds as have been stated this night. No doubt, if any one should be appointed to the Privy Council, or to any select committee of that Council, against whom personal objections lay, it would be a fair ground for an address to his Majesty to advise the removal of such person. But, where no personal objections are or can be stated, one must hear it recommended with astonishment, that a class of officers who are admitted to be perfectly eligible to the Privy Council, should not be allowed to discharge the functions of a Privy Councillor—should, in fact, be excluded from the performance of duties which, on their admission to the Privy Council, they are sworn to perform. So much as to the reason of the question.—But, in point of fact, there is nothing in our constitution that recognises any such institution as a Cabinet Council; and the House will recollect that this is an opinion which I expressed long since, upon an occasion to which every man must look back with regret (his Majesty's last illness). The opinion which I then declared, I have always held, and still hold, that a Cabinet Council is unknown to our law, and has in no instance whatever been recognised by Parliament. That part of the Privy Council which his Majesty thinks proper habitually to consult has, indeed, of late years, been denominated the Cabinet Council. But names are of small account upon this question. Call this Council what you will—either the Ministers of State or the Executive Committee, still the law can know nothing of its members but as Privy Councillors.

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* The late Earl Grey.

† Members of the Administration not forming a part of the Cabinet:—
President of the Board of Control—Lord Minto.
Chancellor of the Duchy of Lancaster—Earl of Derby.
President of the Board of Trade—Lord Auckland.
Secretary at War—Right Hon. Richard Fitzpatrick.
Treasurer of the Navy—Right Hon. Richard Brinsley Sheridan.
Joint Paymaster-General—Earl Temple, Lord John Townshend.
Joint Postmaster-General—Earl of Buckinghamshire, Earl of Carysfort.
Secretaries of the Treasury—Right Hon. Nicholas Vansittart, John King, Esq.
Master of the Rolls—Sir William Grant.
Attorney-General—Sir Arthur Pigott.
Solicitor-General—Sir Samuel Romilly.
IRELAND.—Lord Lieutenant—Duke of Bedford.
  Lord High Chancellor—Right Hon. George Ponsonby.
  Chief Secretary—Right Hon. William Elliott.
  Chancellor of the Exchequer—Right Hon. Sir J. Newport.

" But a few words as to the general principle. If the point were mooted whether the appointment of a Cabinet Council at all be not an abuse of the royal prerogative, I confess there would be much to say on both sides, and I should have great doubts which course to take. However, it is undeniably a body which Parliament has always declined to recognise; and their avoiding any such recognition has afforded some advantage to the gentlemen on the other side, of which they have very diligently availed themselves. As the existence of a Cabinet Council has never been legally acknowledged, there is, of course, no legal record of the members comprising such Cabinet; and we have it not in our power to state anything of authority upon the subject, but what may have come within our own observation, or may have been communicated to us by our fathers. Therefore, when the honourable gentlemen ask us to produce precedents, applying to the case before the House, we must answer that we have it not in our power to produce many, and they appear to doubt even the few we can offer. Some profess to think that the case of Lord Hardwicke's being in the Cabinet while Chief-Justice of the King's Bench is doubtful. Certainly there is no official authority to remove such doubt. It is stated by the right honourable gentleman (Mr. Canning) that Lord Mansfield was not known, at a certain time, to have been in the Cabinet until it was confessed by that noble lord himself. Although the right honourable gentleman was wrong in this particular instance, still his confession serves to sustain the proposition I have in view, as to the difficulty of adducing many precedents upon this subject. The right honourable gentleman has frequently spoken of the Cabinet as a responsible body. I wish that right honourable gentleman, or any gentleman who supports his opinion, to point out from what parts of our statutes, or of the recorded proceedings of this House, he has learned that the Cabinet, or any individual belonging to it, has been, as such, held to be legally responsible. From newspapers and conversations abroad, the right honourable gentleman professes to have obtained much information upon this topic. But, upon such an occasion, would it not be somewhat more correct to consult the statutes and the journals of this House, than such sources of knowledge as the right honourable gentleman has quoted? When the right honourable gentleman speaks of the responsibility of the Cabinet, I would recommend him to consider whether it would be expedient to insist upon the attachment of responsibility to the whole of such a body, for every Ministerial act; and whether such a measure might not be apt to endanger, if not in most instances to defeat, the object of responsibility? For any act done in my office I am directly responsible to Parliament and the country; and, perhaps, it is much better for any purpose of practical responsibility, that it should fall on one man, than on a body; for this obvious reason, that the difficulty of producing conviction and punishment is the less in one case than in the other. I do not mean to say, that it is not desirable to bring forward the charges of guilt against all the advisers as well as the agent, if it were practicable to prove them. The immediate actor can always be got at in a way that is very plain, direct, and easy, compared to that by which you may be able to reach his advisers. Many cases are to be found in which Parliament have tried to get at the advisers too. But how have they tried to do so? Look at the mode, and that mode alone will sustain my argument, that the Cabinet Councillors are not legally known. For in the addresses presented upon such occasions as I have referred to, it will be found that Parliament apply to know by whom any measure to which the address alludes, may have been advised. Surely, then, such an application serves to show that the Cabinet has never been deemed a responsible body; for, if it were, such an application would be quite superfluous. But, do not confine your research to those addresses: look at the journals throughout. Examine the several articles of impeachment on record, and you can discover no instance of any man, or body of men, being impeached as Cabinet Councillors. Take the end of Queen Anne's reign. See the articles of impeachment exhibited against the Earl of Oxford for the conclusion of the peace of Utrecht. Lord Bolingbroke and Mr. Prior, who were the persons principally concerned in that transaction, being then out of the country, and beyond the reach of Parliament, it was eagerly endeavoured to implicate Lord Oxford. In prosecution of this object a variety of shifts and expedients were resorted to, which would have been totally unnecessary had the Cabinet Council been considered a responsible body. No, in this case it would be all easy and smooth. But, in that case, it appears that not one word was mentioned which could countenance the idea of any recognition of a responsible Cabinet Council. And yet, among the leaders of those who promoted the impeachment of Lord Oxford, were many very able men, among others, Sir Robert Walpole. I do not mention this statesman for the purpose of expressing my concurrence in the general censure which has so long attached to his character. On the contrary, I think that he experienced much undeserved obloquy, as well in the course of his life as since his death. But I confess, that if I were to panegyrize that distinguished man, I should not rest my panegyric upon his scrupulous regard to the means by which he could reach his object, particularly when stimulated by resentment. Another distinguished person seconded Sir Robert Walpole in this prosecution, and he certainly, however estimable in other respects, was by no means remarkable for moderation. And yet these active, able men, never, in their zeal to achieve their purpose, even hinted at that, the establishment of which would have so much facilitated their success, namely, the existence of a responsible Cabinet Council.

" From this, and from other circumstances, I infer that such a Council was never legally conceived to exist. Therefore, the first time the honourable mover proposes to the House to recognise the existence of such a body, if you adopt his proposition, I ask, do you mean to stop there? For if in any shape you acknowledge the existence of a Cabinet Council, you must go on to make such a body not alone formally, but really known to the House and to the laws. The gentlemen who support the motion may say, that it is not their object to go so far; but the consequence I have stated must naturally follow the adoption of the motion. One word more before I quit this part of the subject. Some gentlemen may confound the functions of what is called the Cabinet Council, and therefore it may be necessary to state a distinction, of which the noble lord (Castlereagh) must be aware. Councils frequently meet, which are assembled solely for the purpose of affording to the members an opportunity of consulting with each other, and stating their ideas on points connected with their several departments, but with no intention of communicating the result to his Majesty. Indeed, upon many such points it would not only be unnecessary, but improper to communicate with his Majesty. The noble lord knows to what I allude. On other occasions, the Cabinet Council meets to advise his Majesty in person. In the former case of meeting, it will not surely be pretended that any responsibility can attach to the proceedings of this Council, or that any individual Minister can incur censure for consulting those, the aid of whose counsels may be useful and necessary. And to whom should responsibility attach in the latter description of meetings? To the agent, to be sure, who executes the plan resolved on. This I maintain to be well founded. For if this committee of the Privy Council should order any project which did not meet my approbation, and against which I should consequently protest, still if the plan were exceptionable, my protest would not acquit me of the responsibility that would arise from the execution of it. This I take to be the general rule with regard to Ministerial responsibility ; and everything that has occurred different from this rule, I consider in the light of an exception. In all the observations on the other side with regard to this subject, gentlemen appear altogether to overlook the Privy Council. They seem, indeed, to forget the existence of that body; for in talking of objects of ambition they confine themselves to the Cabinet Council. But pray is not a seat in the Privy Council an object of ambition also, and is not the circumstance of being struck off from that body a cause of disgrace? There may, to be sure, have been instances where such striking off produced no disgrace or mortification to the party concerned, but was felt rather as a source of pride. But yet, to say generally, that a seat in the Privy Council is not an object of ambition, and a removal from it the cause of mortification and disgrace, would be wholly absurd. Perhaps the desire of obtaining the seat is balanced by the fear of losing it, and this fear affords a guarantee for a Privy Councillor's performance of his duty. These councillors are known to the law, and it is known that if any one of them should advise his Majesty, he is responsible for such advice, whether he belongs to what is called the Cabinet Council or not.

"Having said thus much on the subject of responsibility, I shall now go into the other points connected with this question. With regard to theoretical principles, the name of Montesquieu has been adduced. For this writer, as a general political philosopher, I entertain the highest respect; but the application of his opinions to, or his clear comprehension of, the constitution of England, I am not disposed to admit. What Montesquieu chiefly insists upon, that has any relation to the point at issue, is this, that the legislative should be totally separate from the judicial functions. But will any man attempt to apply this rule to the constitution of England? Will you separate the executive government altogether from the legislative? I hardly think that any proposition of that sort is ever likely to be submitted to this House; and sure I am, that none such would, or ought to be adopted. But Montesquieu says, that the judicial ought to be separate from the legislative function. Do gentlemen mean to press the application of that doctrine to this country? No, they cannot, for the case of the Lord Chancellor immediately presents itself. Over this case, however, it has been attempted to pass, by the aid of a fine distinction. In order to favour the adoption of Montesquieu, and apply it to this question, it is maintained, that there is a material difference between a civil and a criminal judge. The gentlemen who support the motion, not content with the theory of Montesquieu, which is not at all applicable to the constitution of this country, have had recourse to the authority of Blackstone, but being unable to find any theory exactly to answer their purpose, they have, I observe, endeavoured to pare down different theories; still, however, they have failed. But with regard to Blackstone, I beg in the first instance to demur to his authority as a great constitutional writer. That the municipal law is laid down by him with uncommon perspicuity, and that he dilates upon it with great eloquence, I am ready to admit. His purity of style I particularly admire. He is distinguished as much for simplicity and strength as any writer in the English language. He is perfectly free from all gallicisms and ridiculous affectations, for which so many of our modern authors and orators are so remarkable. Upon this ground, therefore, I esteem Judge Blackstone: but, as a constitutional writer, he is by no means an object of my esteem; and for this, among other reasons, that he asserts the latter years of the reign of Charles the Second (I mean those which followed the enactment of the Habeas Corpus Act), to have been the most constitutional period to be found in our history, not excepting any period that followed.* Now, it would be inconsistent with all the principles which I have ever held, to regard such a writer as a constitutional authority, much less to look up to him as an oracle. However, the words quoted from this author by the gentlemen on the other side are, I am prepared to say, quite misunderstood. When Blackstone says, that 'nothing is more to be avoided than uniting the province of a judge and a minister of state,'† he uses the word *minister* in the English sense, and not in the German, Italian, or French sense. He means, of course, that a judge shall not administer the affairs of Government. But that is quite a different thing from the manner in which the gentlemen on the other side would have it understood or applied. The meaning of Blackstone, however, will appear to be palpably different from the construction of the honourable gentleman, when we look at the conduct pursued during those very latter years of the reign of Charles the Second, which forms the subject of this panegyric. It will be recollected, that in the course of that period Sir William Temple introduced a bill for the appointment of a committee of privy councillors, to consist of about thirty persons. This bill was shown to, and approved of by Lords Essex, Hollis, Cavendish, Russell, and all the best men of the day, and yet by this bill it was provided, that the Chief Justice of the Common Pleas should be a member of the proposed Committee of Council. But it is clear that Blackstone's meaning applied not to anything like that which the gentlemen on the other side would infer. A judge belonging to the Privy Council, according to the sense which these gentlemen attach to the words of Blackstone, would incur blame; and yet they disavow any intention of blaming a judge upon that ground.

"So far as to the principle of the appointment complained of. I shall now advert to the practice. I am told that there is only one instance stated on my side; namely, that of Lord Hardwicke; and the gentlemen are so good as to give me the case of Lord Eldon in addition. But it has been stated, that these noble lords held for a very short time only the offices of Lord Chief Justice and members of the Committee of Council. But the shortness of the time was of little account. If the noble lords thought the retention of such offices contrary to constitutional principle, they would not surely sanction by their own acts the violation of such a principle. There is, however, another case, that of Lord Mansfield: that noble lord connected in his own person, from 1757 to 1763, the two situations, the junction of which is now so much complained of. I do not mean to discuss the character of Lord Mansfield, who, like many great men, had good and bad qualities, but certainly the odium attached to it, did not proceed from his merely combining a seat in the Cabinet with the Chief Justiceship of the King's Bench. This combination, however, is said to have been much condemned by Lord Shelburne, and to prove this, a speech of that noble lord has been quoted. I have looked at the quotation, and the words as reported are absolute nonsense, and therefore, I am persuaded, never were uttered by Lord Shelburne. They import that no political man should have anything to do with advising that which it belongs to his department to execute. Why, if this were a fair ground of censure, it would apply to myself and my colleagues beside me, who are every day advising what we are ourselves to execute. To ascribe such an observation to Lord Shelburne is quite ridiculous. It must have been a misprint or some misconception, to which Lord Shelburne, who, like myself, spoke very rapidly, was extremely liable. But, to return to Lord Mansfield; it really astonished me to hear it remarked upon, as a new and surprising article of intelligence, that that noble lord was so many years in the Cabinet, and that some gentlemen heard it this night for the first time. What, that Lord Mansfield could have been so many years in the Cabinet with such different Administrations, with Lord Chatham, the Duke of Newcastle, and Mr. Grenville, and all the time have kept snug in the corner and be unknown. Preposterous supposition! These distinguished men not only knew that Lord Mansfield was in the Cabinet, but they approved it. If they did not, it was not to be imagined that they would have allowed it. The gentlemen on the other side will hardly think that if I conceived the thing of which they complain to be a violation of constitutional principle, I would be a party to it. Let them, then, give the same fair play to Lord Chatham, the Duke of Newcastle, and Mr. Grenville.

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* See Blackstone's Com. vol. iv. p. 439.

† Ibid. vol. i. p. 269.

"As to the injury likely to result to the constitution, from the introduction of a Chief Justice into the Cabinet, I think the bill of the present reign, which established the independence of the judges, is a sufficient answer to that apprehension.* But I now come to the specific objections made to a Chief Justice of the Court of King's Bench sitting in the Cabinet. Now, the first relates to libels; but in reply to this, I shall only say, that I never heard of such a thing as the propriety of prosecuting for a libel being agitated in a Cabinet Council; I never witnessed anything of the kind, and I do not find from any of those who were in the Cabinet during the period when many prosecutions took place, that the subject of such prosecutions was ever discussed there. Sure I am, that no such discussion ought to take place there. The consideration of questions of that nature properly belongs to the office of the Secretary for the Home Department, with whom it rests to give orders to the Attorney-General to prosecute. But, the case of treason has been alluded to. Upon questions of this kind, Lord Ellenborough is as liable to be summoned to attend the Cabinet as Privy Councillor, as he is in his present situation. But I contend, that he is not so likely to be seriously prepossessed by such previous examinations as the magistrates are, who commit prisoners, or as the judges of the King's Bench are, when they grant an information upon the affidavit of one of the parties, without sending the charge to the grand juries. I have, however, no hesitation in saying, that when a subject of high treason comes on for discussion in the Cabinet, which may be afterwards brought to trial in the Court of King's Bench, the absence of the noble lord who is the subject of this debate from any such discussion would be most becoming. I should certainly feel it right to absent myself upon such an occasion, if in the circumstances of the noble lord. But how many are the subjects connected with war and peace, with our commerce and finances, upon which a lord chief justice may be consulted without exciting the slightest jealousy or objection! On these points, however, it is said, you must not consult him, because if you do, you make him a politician. And pray do gentlemen forget, that by the very oath of a Privy Councillor, the Chief Justice binds himself to give such advice? If, however, you interdict him, as the advocates of the motion propose, what do you mean to do with him? We have heard of the dinner placed before Sancho Panza: if he wished for fish, that was objected to; and if he wished for meat, an objection was started also; so, between the objections, poor Sancho had no dinner at all. Just in a similar manner do the friends of the motion propose to deal with Lord Ellenborough. The noble lord is made a Privy Councillor, but yet he is not to be consulted upon points of law, lest his mind as a judge should be prepossessed; nor is he to be consulted on points of state, lest he should be made a politician. Thus it was proposed to destroy his functions as a Privy Councillor altogether."

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* By the Act of Settlement, 12 and 13 Wm. III. c. 2, it is enacted that the judges shall hold their commissions, not as theretofore, during the royal pleasure, but during their good behaviour. Their commissions, however, became vacant on a demise of the Crown, until they were continued for six months longer by 1 Ann. stat. 1, c. 8: and by 1 Geo. III. c. 23, they are to continue in full force during their good behaviour, notwithstanding any demise of the Crown; provided always, that it may be lawful for the Crown to remove any judge on the address of both Houses of Parliament.

Mr. Fox returned to the subject of the incompatibility of the judicial and legislative functions, and asserted "that such incompatibility was never known to have been rigidly insisted on, but in two instances; the first of which took place under the second government, after the commencement of the Revolution in France; and the second instance was with regard to Turkey, and upon this he had read no law but in the Arabian Nights, and other such works; according to which it appeared that the bashaw and the cadi must always be separate. Adverting to the statutes which applied to this question, he quoted the acts of regency adopted on the proposition of Lord Chief Justice Holt, in the reign of Queen Anne, and to the acts passed in the reign of George the Second, and in the early part of his present Majesty's reign. By the acts passed in the reign of Queen Anne,* the Lord Chief Justice for the time being was appointed one of the Lord Justices, in whom the executive government was to be vested, till the successor to the Crown, if at the Queen's death such successor were out of the realm, should arrive in the kingdom; and by the acts passed in the reign of George the Second and in the beginning of the reign of his present Majesty,† councils to assist the Regent were appointed; and in each case it was expressly provided that the Lord Chief Justice for the time being of the King's Bench should be one of those councils.‡ Now, it must be evident that in such situations the Chief Justice would have to perform the same functions as Lord Ellenborough would be now called on to execute. It appeared, in fact, that the present Cabinet was formed merely on the model laid down in those celebrated acts; the last of which was supported by the vote of Blackstone, who on this night was quoted as adverse to its principle." After recapitulating and ably enforcing his several arguments, Mr. Fox insisted "that the proposition before the House was supported neither by precedent, law, argument, or expediency. He took notice of the observation, that the motion was not brought forward as an opposition question. He assured the honourable mover and his supporters, that he was not at all inclined to provoke opposition to his measures. On the contrary, he should be glad of the support of any set of gentlemen; but if he was to have an opposition, he particularly wished that they might always choose such questions as that now before the House."

The question that the other orders of the day be now read being then put, the House divided: Yeas, 222; Noes, 64.

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* 4 Ann. c. 4, and 6 Ann. c. 7.

† 24 Geo. III. c. 24, and 5 Geo. III. c. 27.

‡ By 7 Wm. IV. & 1 Vict. c. 72, in the event of the next successor to the throne being out of the realm on a demise of the Crown, the Lord Chief Justice for the time being of the Court of Queen's Bench was appointed one of the Lords Justices of the United Kingdom of Great Britain and Ireland, for carrying on the Government until the arrival of such successor in the kingdom.

APPENDIX.

To do away the effects of certain calumnies and misrepresentations, of which Mr. Fox had been the object, in consequence of the motions made by him in the House of Commons on the 13th, 14th, and 15th of December, 1792, he published, in January, 1793, his celebrated letter to his constituents, of which the following is a copy:—

"A Letter from the Right Honourable Charles James Fox,

" *To the worthy and independent Electors of the City and Liberty of Westminster.*

"To vote in small minorities is a misfortune to which I have been so much accustomed, that I cannot be expected to feel it very acutely.

"To be the object of calumny and misrepresentation gives me uneasiness, it is true, but an uneasiness not wholly unmixed with pride and satisfaction, since the experience of all ages and countries teaches us that calumny and misrepresentation are frequently the most unequivocal testimonies of the zeal, and possibly the effect, with which he against whom they are directed has served the public.

"But I am informed that I now labour under a misfortune of a far different nature from these, and which can excite no other sensations than those of concern and humiliation. I am told that *you* in general disapprove my late conduct; and that, even among those whose partiality to me was most conspicuous, there are many who, when I am attacked upon the present occasion, profess themselves neither able nor willing to defend me.

"That your unfavourable opinion of me (if in fact you entertain any such) is owing to misrepresentation, I can have no doubt. To do away the effects of this misrepresentation is the object of this letter, and I know of no mode by which I can accomplish this object at once so fairly, and (as I hope) so effectually, as by stating to you the different motions which I made in the House of Commons in the first days of this session, together with the motives and arguments which induced me to make them. On the first day I moved the House to substitute, in place of the Address, the following Amendment:—

"'To express to his Majesty our most zealous attachment to the excellent constitution of this free country, our sense of the invaluable blessings which are derived from it, and our unshaken determination to maintain and preserve it. To assure his Majesty, that uniting with all his Majesty's faithful subjects in those sentiments of loyalty to the Throne, and attachment to the constitution, we feel, in common with them, the deepest anxiety and concern, when we see those measures adopted by the Executive Government, which the law authorizes only in cases of insurrection within this realm.

"'That his Majesty's faithful Commons, assembling in a manner new and alarming to the country, think it their first duty, and will make it their first business, to inform themselves of the causes of this measure, being equally zealous to enforce a due obedience to the laws on the one hand, and a faithful execution of them on the other.'

"My motive for this measure was, that I thought it highly important, both in a constitutional and a prudential view, that the House should be thoroughly informed of the ground of calling out the militia, and of its own meeting, before it proceeded upon other business.

"The law enables the King, in certain cases, by the advice of his Privy Council, having previously declared the cause, to call forth the militia—and positively enjoins, that, whenever such a measure is taken, Parliament shall be summoned immediately.

"This law, which provided that we should meet, seemed to me to point out to us our duty when met, and to require of us, if not by its letter, yet by a fair interpretation of its spirit, to make it our first business to examine into the causes that had been stated in the proclamation as the motives for exercising an extraordinary power lodged in the Crown for extraordinary occasions; to ascertain whether they were true in fact, and whether, if true, they were of such a nature as to warrant the proceeding that had been grounded on them.

"Such a mode of conduct, if right upon general principles, appeared to me peculiarly called for by the circumstances under which we were assembled; and by the ambiguity with which the causes of resorting for the first time to this prerogative were stated and defended.

"The insurrection (it was said) at Yarmouth, Shields, and other places, gave Ministers a legal right to act: and the general state of the country, independently of these insurrections, made it expedient for them to avail themselves of this right. In other words, insurrection was the pretext, the general state of the country the cause of the measure. Yet insurrection was the motive stated in the proclamation; and the Act of Parliament enjoins the disclosure, not of the pretext, but of the cause: so that it appeared to be doubtful whether even the letter of the law had been obeyed; but if it had, to this mode of professing one motive and acting upon another, however agreeable to the habits of some men, I thought it my duty to dissuade the House of Commons from giving any sanction or countenance whatever.

"In a prudential view, surely information ought to precede judgment; and we were bound to know what really was the state of the country before we delivered our opinion of it in the Address. Whenever the House is called upon to declare an opinion of this nature, the weight which ought to belong to such a declaration, makes it highly important that it should be founded on the most authentic information, and that it should be clear and distinct. Did the House mean to approve the measure taken by Administration, upon the ground of the public pretence of insurrections? If so, they were bound to have before them the facts relative to those insurrections, to the production of which no objection could be stated. Did they mean by their Address to declare that the general situation of the country was in itself a justification of what had been done? Upon this supposition, it appeared to me equally necessary for them so to inform themselves, as to enable them to state with precision to the public the circumstances in this situation to which they particularly adverted. If they saw reason to fear impending tumults and insurrections, of which the danger was imminent and pressing, the measures of his Majesty's Ministers might be well enough adapted to such an exigency; but surely the evidence of such a danger was capable of being submitted either to the House or to a secret committee; and of its existence, without such evidence, no man could think it becoming for such a body as the House of Commons to declare their belief.

"If, therefore, the Address was to be founded upon either of the suppositions above stated, a previous inquiry was absolutely necessary. But there were some whose apprehensions were directed not so much to any insurrections, either actually existing or immediately impending, as to the progress of what are called French opinions, propagated (as is supposed) with industry, and encouraged by success; and to the mischiefs which might in future time arise from the spirit of disobedience and disorder, which these doctrines are calculated to inspire. This danger, they said, was too notorious to require proof; its reality could better be ascertained by the separate observations of individual members, than by any proceeding which the House could institute in its collective capacity; and upon this ground, therefore, the Address might be safely voted without any previous inquiry.

"To have laid any ground for approving without examination, was a great point gained for those who wished to applaud the conduct of Administration; but in this instance I fear the foundation has been laid without due regard to the nature of the superstructure which it is intended to support; for, if the danger consist in false but seducing theories, and our apprehensions be concerning what such theories may in process of time produce, to such an evil it is difficult to conceive how any of the measures which have been pursued are in any degree applicable. Opinions must have taken the shape of overt acts, before they can be resisted by the fortifications in the Tower; and the sudden embodying of the militia, and the drawing of the regular troops to the capital, seem to me measures calculated to meet an immediate, not a distant mischief.

"Impressed with these notions, I could no more vote upon this last vague reason, than upon those of a more definite nature; since, if in one case the premises wanted proof, in the other, where proof was said to be superfluous, the conclusion was not just. If the majority of the House thought differently from me, and if this last ground of general apprehension of future evils (the only one of all that were stated, upon which it could with any colour of reason be pretended that evidence was not both practicable and necessary), appeared to them to justify the measures of Government; then I say they ought to have declared explicitly the true meaning of their vote, and either to have disclaimed distinctly any belief in those impending tumults and insurrections, which had filled the minds of so many thousands of our fellow subjects with the most anxious apprehensions; or to have commenced an inquiry concerning them, the result of which would have enabled the House to lay before the public a true and authentic state of the nation, to put us upon our guard against real perils, and to dissipate chimerical alarms.

"I am aware that there were some persons who thought that to be upon our guard was so much our first interest, in the present posture of affairs, that even to conceal the truth was less mischievous than to diminish the public terror. They dreaded inquiry, lest it should produce light; they felt so strongly the advantage of obscurity in inspiring terror, that they overlooked its other property of causing real peril. They were so alive to the dangers belonging to false security, that they were insensible to those arising from groundless alarms. In this frame of mind they might for a moment forget that integrity and sincerity ought ever to be the characteristic virtues of a British House of Commons; and while they were compelled to admit that the House could not, without inquiry, profess its belief of dangers, which (if true) might be substantiated by evidence, they might nevertheless be unwilling that the salutary alarm (for such they deemed it) arising from these supposed dangers in the minds of the people, should be wholly quieted. What they did not themselves credit, they might wish to be believed by others. Dangers, which they considered as distant, they were not displeased that the public should suppose near, in order to excite more vigorous exertions.

"To these systems of crooked policy and pious fraud I have always entertained a kind of instinctive and invincible repugnance; and, if I had nothing else to advance in defence of my conduct but this feeling, of which I cannot divest myself, I shall be far from fearing your displeasure. But are there, in truth, no evils in a false alarm, besides the disgrace attending those who are concerned in propagating it? Is it nothing to destroy peace, harmony, and confidence, among all ranks of citizens? Is it nothing to give a general credit and countenance to suspicions which every man may point as his worst passions incline him? In such a state, all political animosities are inflamed. We confound the mistaken speculatist with the desperate incendiary. We extend the prejudices which we have conceived against individuals to the political party, or even to the religious sect of which they are members. In this spirit a judge declared from the bench in the last century, that poisoning was a popish trick; and I should not be surprised if some bishops were now to preach from the pulpit that sedition is a Presbyterian or a Unitarian vice. Those who differ from us in their ideas of the constitution, in this paroxysm of alarm, we consider as confederated to destroy it. Forbearance and toleration have no place in our minds; for who can tolerate opinions which, according to what the deluders teach, and rage and fear incline the deluded to believe, attack our lives, our properties, and our religion?

"This situation I thought it my duty, if possible, to avert, by promoting an inquiry. By this measure the guilty, if such there are, would have been detected, and the innocent liberated from suspicion.

"My proposal was rejected by a great majority. I defer with all due respect to their opinion, but retain my own.

"My next motion was the insertion of the following words into the Address:—'Trusting that your Majesty will employ every means of negotiation consistent with the honour and safety of this country to avert the calamities of war.'

"My motive in this instance is too obvious to require explanation; and I think it the less necessary to dwell much on this subject, because, with respect to the desirableness of peace at all times, and more particularly in the present, I have reason to believe that your sentiments do not differ from mine. If we looked to the country where the cause of war was said principally to originate, the situation of the United Provinces appeared to me to furnish abundance of prudential arguments in favour of peace. If we looked to Ireland, I saw nothing there that would not discourage a wise statesman from putting the connexion between the two kingdoms to any unnecessary hazard. At home, if it be true that there are seeds of discontent, war is the hot-bed in which these seeds will soonest vegetate;

and of all wars, in this point of view, that war is most to be dreaded, in the cause of which kings may be supposed to be more concerned than their subjects.

"I wished, therefore, most earnestly for peace; and experience had taught me, that the voice even of a minority in the House of Commons might not be wholly without effect, in deterring the King's Ministers from the irrational projects of war. Even upon this occasion, if I had been more supported, I am persuaded our chance of preserving the blessings of peace would be better than it appears to be at present.

"I come now to my third motion, 'That an humble address be presented to his Majesty, that his Majesty will be graciously pleased to give directions that a minister may be sent to Paris to treat with those persons who exercise provisionally the functions of Executive Government in France, touching such points as may be in discussion between his Majesty and his allies, and the French nation;' which, if I am rightly informed, is that which has been most generally disapproved. It was made upon mature consideration, after much deliberation with myself, and much consultation with others; and notwithstanding the various misrepresentations of my motives in making it, and the misconceptions of its tendency, which have prepossessed many against it, I cannot repent of an act, which, if I had omitted, I should think myself deficient in the duty which I owe to you and to my country at large.

"The motives which urged me to make it were the same desire of peace which actuated me in the former motion, if it could be preserved on honourable and safe terms; and if this were impossible, an anxious wish that the grounds of war might be just, clear, and intelligible.

"If we or our ally have suffered injury or insult, or if the independence of Europe be menaced by inordinate and successful ambition, I know no means of preserving peace but by obtaining reparation for the injury, satisfaction for the insult, or security against the design, which we apprehend; and I know no means of obtaining any of these objects, but by addressing ourselves to the power of whom we complain.

"If the exclusive navigation of the Scheldt, or any other right belonging to the States-General, has been invaded, the French Executive Council are the invaders, and of them we must ask redress. If the rights of neutral nations have been attacked by the decree of the 19th of November, the National Convention of France have attacked them, and from that Convention, through the organ by which they speak to foreign courts and nations, their Minister for Foreign Affairs, we must demand explanation, disavowal, or such other satisfaction as the case may require. If the manner in which the same Convention have received and answered some of our countrymen, who have addressed them, be thought worthy notice, precisely of the same persons, and in the same manner, must we demand satisfaction upon that head also. If the security of Europe, by any conquests made or apprehended, be endangered to such a degree as to warrant us, on the principles as well of justice as of policy, to enforce by arms a restitution of conquests already made, or a renunciation of such as may have been projected from the executive power of France, in this instance again must we ask such restitution or such renunciation. How all, or any of these objects could be attained but by negotiation, carried on by authorized ministers, I could not conceive. I knew, indeed, that there were some persons whose notions of dignity were far different from mine, and who, in that point of view, would have preferred a clandestine to an avowed negotiation; but I confess I thought this mode of proceeding neither honourable nor safe; and with regard to some of our complaints, wholly impracticable. Not honourable, because to seek private and circuitous channels of communication seems to suit the conduct rather of such as sue for a favour than of a great nation which demands satisfaction. Not safe, because neither a declaration from an unauthorized agent, nor a mere gratuitous repeal of the decrees complained of, (and what more could such a negotiation aim at?) would afford us any security against the revival of the claims which we oppose; and lastly, impracticable with respect to that part of the question which regards the security of Europe, because such security could not be provided for by the repeal of a decree or anything that might be the result of a private negotiation, but could only be obtained by a formal treaty, to which the existing French Government must of necessity be a party; and I know of no means by which it can become a party to such a treaty, or to any treaty at all, but by a minister publicly authorized and publicly received. Upon these grounds, and with these views, as a sincere friend to peace, I thought it my duty to suggest, what appeared to me, on every supposition, the most eligible, and, if certain points were to be insisted upon, the only means of preserving that invaluable blessing.

"But I had still a further motive; and if peace could not be preserved, I considered the measure which I recommended as highly useful in another point of view. To declare war, is, by the constitution, the prerogative of the King; but to grant or withhold the means of carrying it on, is (by the same constitution) the privilege of the people, through their representatives; and upon the people at large, by a law paramount to all constitutions—the law of nature and necessity, must fall the burdens and sufferings, which are the too sure attendants upon that calamity. It seems, therefore, reasonable that they who are to pay and to suffer should be distinctly informed of the object for which war is made, and I conceived nothing would tend to this information so much as an avowed negotiation; because from the result of such a negotiation, and by no other means, could we, with any degree of certainty, learn how far the French were willing to satisfy us in all or any of the points which have been publicly held forth as the grounds of complaint against them. If in none of these any satisfactory explanation were given, we should all admit, provided our original grounds of complaint were just, that the war would be so too:—if in some, we should know the specific subjects upon which satisfaction was refused, and have an opportunity of judging whether or not they were a rational ground of dispute:—if in all, and a rupture were nevertheless to take place, we should know that the public pretences were not the real causes of the war.

"In the last case which I have put, I should hope there is too much spirit in the people of Great Britain to submit to take a part in a proceeding founded on deceit; and in either of the others, whether our cause were weak or strong, we should at all events escape that last of infamies, the suspicion of being a party to the Duke of Brunswick's manifestoes.* But this is not all. Having ascertained the precise cause of war, we should learn the true road to peace; and if the cause so ascertained appear adequate, then we should look for peace through war, by vigorous exertions and liberal supplies: if inadequate, the constitution would furnish us abundance of means, as well through our representatives as by our undoubted right to petition King and Parliament, of impressing his Majesty's Ministers with sentiments similar to our own, and of engaging them to compromise, or, if necessary, to relinquish an object, in which we did not feel interest sufficient to compensate to us for the calamities and hazard of a war.

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* "I have heard that the manifestoes are not to be considered as the acts of the illustrious prince whose name I have mentioned, and that the threats contained in them were never meant to be carried into execution. I hear with great satisfaction whatever tends to palliate the manifestoes themselves, and with still more anything that tends to disconnect them from the name which is affixed to them, because the great abilities of the person in question, his extraordinary gallantry, and above all, his mild and

"To these reasonings it appeared to me that they only could object with consistency who would go to war with France on account of her internal concerns; and who would consider the re-establishment of the old, or at least some other form of government, as the fair object of the contest. Such persons might reasonably enough argue, that with those whom they are determined to destroy it is useless to treat.

"To arguments of this nature, however, I paid little attention; because the eccentric opinion upon which they are founded was expressly disavowed both in the King's speech and in the addresses of the two Houses of Parliament: and it was an additional motive with me for making my motion, that, if fairly debated, it might be the occasion of bringing into free discussion that opinion, and of separating more distinctly those who maintained and acted upon it from others, who from different motives (whatever they might be) were disinclined to my proposal.

"But if the objections of the violent party appeared to me extravagant, those of the more moderate seemed wholly unintelligible. Would they make and continue war till they can force France to a counter-revolution? No; this they disclaim. What then is to be the termination of the war to which they would excite us? I answer confidently, that it can be no other than a negotiation, upon the same principles and with the same men as that which I recommend. I say the same principles, because after war peace cannot be obtained but by a treaty, and a treaty necessarily implies the independency of the contracting parties. I say the same men, because, though they may be changed before the happy hour of reconciliation arrive, yet that change, upon the principles above stated, would be merely accidental, and in no wise a necessary preliminary to peace: for I cannot suppose that they who disclaim making war for a change would yet think it right to continue it till a change; or, in other words, that the blood and treasure of this country should be expended in a hope that—not our efforts—but time and chance may produce a new government in France, with which it would be more agreeable to our Ministers to negotiate than with the present. And it is further to be observed, that the necessity of such a negotiation will not in any degree depend upon the success of our arms, since the reciprocal recognition of the independency of contracting parties is equally necessary to those who exact and to those who offer sacrifices for the purpose of peace. I forbear to put the case of ill success, because to contemplate the situation to which we, and especially our ally, might in such an event be placed, is a task too painful to be undertaken but in a case of the last necessity. Let us suppose, therefore, the skill and gallantry of our sailors and soldiers to be crowned with a series of uninterrupted victories, and those victories to lead us to the legitimate object of a just war, a safe and honourable peace. The

paternal government of his subjects, have long since impressed me with the highest respect for his character; and upon this account it gave me much concern when I heard that he was engaged in an enterprise, where, according to my ideas, true glory could not be acquired."

terms of such a peace (I am supposing that Great Britain is to dictate them) may consist in satisfaction, restitution, or even by way of indemnity to us or to others, in cession of territory on the part of France. Now that such satisfaction may be honourable, it must be made by an avowed minister; that such restitution or cession may be safe or honourable, they must be made by an independent power, competent to make them. And thus our very successes and victories will necessarily lead us to that measure of negotiation and recognition which, from the distorted shape in which passion and prejudice represent objects to the mind of man, has, by some, been considered as an act of humiliation and abasement.

I have reason to believe there are some who think my motion unexceptionable enough in itself, but ill-timed. The time was not in my choice. I had no opportunity of making it sooner; and, with a view to its operation respecting peace, I could not delay it. To me, who think that public intercourse with France, except during actual war, ought always to subsist, the first occasion that presented itself after the interruption of that intercourse seemed of course the proper moment for pressing its renewal. But let us examine the objections upon this head of time in detail. They appeared to me to be principally four:—

"First, That by sending a minister to Paris at that period we should give some countenance to a proceeding,* most unanimously and most justly reprobated in every country of Europe.

"To this objection I need not, I think, give any other answer than that it rests upon an opinion, that by sending a minister we pay some compliment, implying approbation, to the prince or state to whom we send him; an opinion which, for the honour of this country, I must hope to be wholly erroneous. We had a minister at Versailles when Corsica was bought and enslaved. We had ministers at the German courts at the time of the infamous partition of Poland. We have generally a resident consul who acts as a minister to the piratical republic of Algiers; and we have more than once sent embassies to Emperors of Morocco, reeking from the blood through which, by the murder of their nearest relations, they had waded to their thrones. In none of these instances was any sanction given by Great Britain to the transactions by which power had been acquired, or to the manner in which it had been exercised.

"Secondly, That a recognition might more properly take place at the end, and as the result of a private communication, and (in the phrase used upon a former occasion) as the price of peace, than gratuitously at the outset of a negotiation.

"I cannot help suspecting that they who urge this objection have confounded the present case with the question formerly so much agitated of American independence. In this view they appear to me wholly dissimilar — I pray to God, that in all other respects they may prove equally so. To recognise the Thirteen States was, in effect, to withdraw a claim of our own, and it might fairly enough be argued that we were entitled to some price or compensation for such a sacrifice. Even upon that occasion I was of opinion that a gratuitous and preliminary acknowledgment of their independence was most consonant to the principles of magnanimity and policy; but in this instance we have no sacrifice to make, for we have no claim; and the reasons for which the French must wish an avowed and official intercourse can be only such as apply equally to the mutual interest of both nations, by affording more effectual means of preventing misunderstandings and securing peace.

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* "Since this was written we have learned the sad catastrophe of the proceeding to which I alluded. Those, however, who feel the force of my argument, will perceive that it is not at all impaired by this revolting act of cruelty and injustice. Indeed, if I were inclined to see any connexion between the two subjects, I should rather feel additional regret for the rejection of a motion which might have afforded one chance more of preventing an act concerning which (out of France) I will venture to affirm that there is not, throughout Europe, one dissentient voice."

"I would further recommend to those who press this objection, to consider whether, if recognition be really a sacrifice on our part, the Ministry have not already made that sacrifice by continuing to act upon the commercial treaty as a treaty still in force. Every contract must be at an end when the contracting parties have no longer any existence, either in their own persons or by their representatives. After the 10th of August, the political existence of Louis XVI., who was the contracting party in the treaty of commerce, was completely annihilated. The only question therefore is, whether the Executive Council of France did, or did not, represent the political power so annihilated. If we say they did not, the contracting party has no longer any political existence, either in his person or by representation, and the treaty becomes null and void. If we say they did, then we have actually acknowledged them as representatives (for the time, at least) of what was the Executive Government in France. In this character alone do they claim to be acknowledged, since their very style describes them as a provisional executive council, and nothing else. If we would preserve our treaty we could not do less; by sending a minister we should not do more.*

"Thirdly, That our ambassador having been recalled, and no British minister having resided at Paris, while the conduct of the French was inoffensive with respect to us and our ally, it would be mortifying to send one thither just at the time when they began to give us cause of complaint.

"Mortifying to whom? Not certainly to the House of Commons, who were not a party to the recall of Lord Gower, and who, if my advice were followed, would lose no time in replacing him. To the Ministers, possibly;† and if so, it ought to be a warning to the House, that it should not, by acting like the Ministers, lose the proper, that is, the first opportunity, and thereby throw extrinsic difficulties of its own creation in the way of a measure in itself wise and salutary.

"Fourthly, That by acting in the manner proposed we might give ground of offence to those powers with whom, in case of war, it might be prudent to form connexion and alliance.

"This objection requires examination. Is it meant that our treating with France, in its present state, will offend the German powers, by showing them that our ground of quarrel is different from theirs? If this be so, and if we adhere to the principles which we have publicly stated, I am afraid we must either offend or deceive, and in such an alternative I trust the option is not difficult.

"If it be said that, though our original grounds of quarrel were different, yet we may, in return for the aid they may afford us in obtaining our objects, assist them in theirs of a counter-revolution, and enter into an offensive alliance for that purpose—I answer, that our having previously treated would be no impediment to such a measure. But if it were, I freely confess that this consideration would have no influence with me; because such an alliance, for such a purpose, I conceive to be the greatest calamity that can befall the British nation: for let us not attempt to deceive ourselves; whatever possibility, or even probability, there may be of a counter-revolution, from internal agitation and discord, the means of producing such an event by external force can be no other than the conquest of France. The conquest of France!!! Oh! calumniated crusaders, how rational and moderate were your objects! Oh! much injured Louis XVI., upon what slight grounds have you been accused of restless and immoderate ambition! Oh! tame and feeble Cervantes, with what a timid pencil and faint colours have you painted the portrait of a disordered imagination!

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* "If my argument is satisfacfory, I have proved that we have recognised the Executive Council; and it is notorious that, through the medium of Mr. Chauvelin, we have negotiated with them. But, although we have both negotiated and recognised, it would be dishonourable, it seems, to negotiate in such a manner as to imply recognition. How nice are the points upon which great businesses turn! how remote from vulgar apprehension!"

† "I do not think it would have been mortifying even to them, because, in consequence of the discussions which had arisen, a measure which had been before indifferent might become expedient; but, as this point made no part of my consideration, I have not thought it incumbent upon me to argue it."

"I have now stated to you fully, and I trust fairly, the arguments that persuaded me to the course of conduct which I have pursued. In these consists my defence, upon which you are to pronounce; and I hope I shall not be thought presumptous when I say that I expect with confidence a favourable verdict.

"If the reasonings which I have adduced fail of convincing you, I confess, indeed, that I shall be disappointed, because, to my understanding, they appear to have more of irrefragable demonstration than can often be hoped for in political discussions; but even in this case, if you see in them probability sufficient to induce you to believe that, though not strong enough to convince you, they, and not any sinister or oblique motives, did, in fact, actuate me, I have still gained my cause, for, in this supposition, though the propriety of my conduct may be doubted, the rectitude of my intentions must be admitted.

"Knowing, therefore, the justice and candour of the tribunal to which I have appealed, I wait your decision without fear. Your approbation I anxiously desire, but your acquittal I confidently expect.

"Pitied for my supposed misconduct by some of my friends, openly renounced by others, attacked and misrepresented by my enemies,—to you I have recourse for refuge and protection; and, conscious that if I had shrunk from my duty I should have merited your censure, I feel myself equally certain, that by acting in conformity to the motives which I have explained to you, I can, in no degree, have forfeited the esteem of the city of Westminster, which it has so long been the first pride of my life to enjoy, and which it shall be my constant endeavour to preserve.

"C. J. FOX."

"*South-street, January* 26*th*, 1793."

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